

Ethics for Podiatric Medical Assistants

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Consider This

- * The Scope of practice for podiatrists in the State of Confusion (a new U.S. state) includes foot, ankle and lower leg below the knee.
- * Dr. Ida Noitall, DPM, a licensed podiatrist in the State of Confusion, asked her medical assistant, Iwanna B. Good, to cut the patient's finger nails. She explained to the medical assistant that hands are like feet so it shouldn't be that different.

Why should medical professionals study ethics?

Core Values in Medical Ethics

- **Autonomy:**
 - The patient's right to refuse or choose treatment.
- **Beneficence:**
 - The doctor should act in the best interest of the patient.
- **Non-maleficence:**
 - "First, do no harm."
- **Justice:**
 - Fairness and equity in the delivery and dispensing of health services and treatment.
- **Dignity:**
 - The patient and the person treating the patient have the right to be respected.
- **Truthfulness and Honesty:**
 - The concept of informed consent.



What is a Code of Ethics?

- A blueprint for standards of conduct and ethical behavior.
- Internalized set of moral values that define for the health care professional his/her own sense of what is right and what is wrong.



Why is there a Code of Ethics?

- To encourage and promote that doctors aspire to the highest possible standards of conduct and ethical behavior.
- To assure that doctors provide the best care to the individuals and groups whom they serve.



What is the Scope of the Code of Ethics?

- Applies to all aspects of professional life -- within a variety of contexts as health care providers, administrators, educators, researchers, consultants, and employers.
- Also applies to maintaining a professional decorum in public and private life outside of professional practice.

APMA Code of Ethics

HOME / ABOUT APMA

About APMA

WHO WE ARE

GET INVOLVED WITH APMA

STATE COMPONENTS

APMA EDUCATIONAL
FOUNDATION

AFFILIATED ORGANIZATIONS

Founded in 1912, the American Podiatric Medical Association (APMA), headquartered in Bethesda, MD, is the leading resource for foot and ankle health information. Currently, the organization represents a vast majority of the estimated 18,000 podiatrists in the country. In addition to the national headquarters, APMA boasts 53 state component locations throughout the United States and its territories, as well as affiliated societies. In 2012, APMA celebrated its 100th Anniversary. Learn more about the [history of APMA](#).

Our Mission

APMA's staff, comprised of approximately 60 professionals, is dedicated to promoting foot and ankle health, member service, and professional excellence. Looking toward the future, APMA will continue to advance the growth and stability of podiatric medicine by increasing nationwide awareness of foot and ankle health through public education and legislative advocacy.

- [Mission statement](#) (Updated December 2015)
- [Strategic plan](#) (Updated December 2015)
- [Code of ethics](#)
- [Vision 2015 campaign—The Path to Parity](#)

APMA Code of Ethics

- Medical Ethics
- Business Ethics
- Association Ethics
- Interpretive Guidelines



APMA Code of Ethics

Medical Ethics

- Professional Judgment
- Informed Consent
- Confidentiality
- Patient Respect/Advocacy
- Professionalism
- Physician Health Responsibilities
- Research Ethics

Business Ethics

- Advertising
- Business Transactions
- Inter-professional Referrals
- Employees/Associates
- Respect for Law
- Staff Respect/Advocacy
- Managed Care/Insurance Issues

Association Ethics

- Conflict of Interest
- Confidentiality
- Commercial Relationships
- Association Conduct

State Oversight

The screenshot shows a web browser window with the search results for "state medical board ethics cases". The browser's address bar shows "state+medical+board+ethics+cases". The search results page for "The Board" (State Medical Board Of Ohio) is displayed. A red arrow points to the "The Board" link. Another red arrow points to the "medical ethics" link in the left sidebar. A third red arrow points to the "Medical Ethics" section header. The "Medical Ethics" section contains the following text: "Each of the Board's licensee's is required to meet certain ethical standards of practice as determined by professional associations or accrediting bodies. These pages will help provide access to those various statements of ethical guidelines and many serve to explore more particular ethical conundrums." Below this text is a list of links to various professional associations: American Medical Association, American Osteopathic Association, American Podiatric Medicine Association, American Massage Therapy Association (AMTA), American Academy of Physicians Assistants (AAPA), International Guild of Hair Removal Specialists, Inc. (IGHRS), (formerly known as International Guild of Professional Electrologists (IGPE) Code of Ethics), and National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). At the bottom of the page, there is contact information: "30 East Broad Street, 3rd Floor, Columbus, Ohio 43215-6127 | Telephone: (614) 466-3934 | Fax: (614) 726-5946 | Complaint Forms: (800) 554-7717 | Licensure Verification: (800) 357-7720".

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State Oversight

[Ohio Revised Code](#) » Title [\[47\]](#) XLVII OCCUPATIONS - PROFESSIONS

Chapter 4731: PHYSICIANS; LIMITED PRACTITIONERS

4731.22 Disciplinary actions.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice or certificate to recommend, refuse to issue a certificate to an individual, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for one or more of the following reasons:

(18) Subject to section [4731.226](#) of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American Podiatric Medical Association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession.

State Oversight

RULES OF THE TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

CHAPTER 1155-02 / GENERAL RULES AND REGULATIONS GOVERNING THE PRACTICE OF PODIATRY

1155-02-.08 EXAMINATIONS. All applicants for licensure by examination and reciprocity must successfully complete the examinations described in paragraphs (1), (2) and (3) of this rule.

- (1) Parts I and II of the National Board of Podiatric Medical Examiners (NBPME) examinations.
- (2) Part III of the NBPME examinations (formerly known as the Podiatric Medical Licensing Examination for States [PMLexis]).
- (3) Jurisprudence examination.

(d) The scope and content of the examination shall be determined by the Board but limited to statutes and regulations governing the practice of podiatry (T.C.A. §§ 63-3-101, et seq., and Chapter 1155-02 of the Official Compilation, Rules and Regulations of the State of Tennessee) and the American Podiatric Medical Association (APMA) Code of Ethics. Copies of the applicable statutes, regulations, and the APMA Code of Ethics are available upon request from the Board's administrative office.

State Oversight

The 2013 Florida Statutes

Title XXXII
REGULATION OF PROFESSIONS AND
OCCUPATIONS

Chapter 461
PODIATRIC
MEDICINE

[View Entire
Chapter](#)

461.012 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#):

- (a) Practicing or attempting to practice podiatric medicine without an active license or with a license fraudulently obtained.
- (b) Advertising podiatric services without an active license obtained pursuant to this chapter or with a license fraudulently obtained.
- (c) Using or attempting to use a license to practice podiatric medicine which has been suspended or revoked.

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#):

- (a) Selling or fraudulently obtaining or furnishing any podiatric medicine diploma, license, or record of registration or aiding or abetting in the same.
- (b) Making any willfully false oath or affirmation whenever an oath or affirmation is required by this chapter.
- (c) Using the name or title “Podiatrist,” “Doctor of Podiatry,” or “Doctor of Podiatric Medicine” or using the phrase “foot clinic,” “foot doctor,” “quiropedista,” or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine unless such person is licensed as a podiatric physician in this state.

Federal Oversight



UNITED STATES
DEPARTMENT OF LABOR

Occupational Safety and Health Administration

HHS.gov

Health Information Privacy



Ethical Considerations

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- * What should the medical assistant do?

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- * Dr. Ida Noitall, DPM, a licensed podiatrist in the State of Confusion, asked her medical assistant, Iwanna B. Good, to do a second digit percutaneous tenotomy.
- * Dr. Noitall tells Iwanna, you see me do this all time, and it's a quick and easy, but I need to run and I don't have time before I leave.
- * What should the medical assistant do?

Ethical Considerations

The screenshot shows a web browser window with the URL www.mbc.ca.gov/Licensees/Physicians_and_Surgeons/Medical_Assistants/Beyond_Scope.aspx. The page header features the California Medical Board logo and navigation tabs for Consumers, Applicants, Licensees, and About Us. The main content area is titled "Is Your Medical Assistant Practicing Beyond His or Her Scope of Training?" and contains several paragraphs of text regarding the legal and ethical responsibilities of medical assistants. A sidebar on the right contains a list of services: License Search, Public Documents, Subscriber Alerts, Outpatient Surgery Settings, Forms, and Index. Below this is a "Quick Links" section with links to Board and Committee Meeting Dates and Locations, and Laws & Regulations. The Windows taskbar at the bottom shows the system tray with the date 10/14 PM 1/11/2010.

APMA - American Podiatry Association | Medical Assistants Practicing Beyond Scope

www.mbc.ca.gov/Licensees/Physicians_and_Surgeons/Medical_Assistants/Beyond_Scope.aspx

The Medical Board of California

Consumers Applicants Licensees About Us

Home | Licensees | Physicians and Surgeons | Medical Assistants | Beyond Scope

Is Your Medical Assistant Practicing Beyond His or Her Scope of Training?

The Medical Board receives numerous inquiries concerning the use of medical assistants in a physician's office. (By law, a medical assistant may not be employed for inpatient care in a licensed general acute care hospital.)

Medical assistants are unlicensed, and may only perform basic administrative, clerical and technical supportive services as permitted by law. An unlicensed person may not diagnose or treat or perform any task that is invasive or requires assessment. The responsibility for the appropriate use of unlicensed persons in health care delivery rests with the physician.

The classification of medical assistant is defined under the provisions of the Medical Practice Act (Business and Professions Code sections 2069-2071) as a person who may be unlicensed who performs basic administrative, clerical, and technical supportive services under the supervision of a licensed physician, podiatrist, physician assistant, nurse practitioner, or nurse midwife.

Under the law, "technical supportive services" are simple, routine medical tasks and procedures that may be safely performed by a medical assistant who has limited training and who functions under the supervision of a licensed physician, podiatrist, physician assistant, nurse practitioner, or nurse midwife. "Supervision" is defined to require the licensed physician, podiatrist, physician assistant, nurse practitioner, or nurse midwife to be physically present in the treatment facility during the performance of those procedures.

Prior to performing technical supportive services, a medical assistant shall receive training by either (1) a licensed physician and surgeon, podiatrist, physician assistant, nurse practitioner, or nurse midwife or (2) an instructor in an approved school program to assure the medical assistant's competence in performing a service at the appropriate standard of care.

A medical assistant who has completed the minimum training prescribed by regulation may administer medication by intradermal,

- License Search
- Public Documents
- Subscriber Alerts
- Outpatient Surgery Settings
- Forms
- Index

Quick Links

- Board and Committee Meeting Dates and Locations
- Laws & Regulations

10:14 PM 1/11/2010

Ethical Considerations

APMA Code of Ethics:

- * BE4.1 Duty of Supervision
- * BE4.11 The podiatrist has a duty to supervise their employees and confirm that they are performing in an ethical and appropriate manner.
- * BE4.3 Duty to Comply with Professional Standards
- * BE4.31 The podiatrist strives to practice podiatric medicine consistent with the standards of care established within their community.
- * BE5.0 Respect for Law The podiatrist is obliged to comply with the letter of all applicable laws and regulations

Dear Theodosia

Dr. Aaron Burr has a very busy practice but only has one medical assistant, Theodosia. Dr. Burr won't hire another medical assistant, which leaves Theodosia suffering through very long days. On one particular day, Theo, as she is called, saw 40 patients, and now has to stay late transcribing Dr. Burr's notes because he refuses to use the EHR. To top it off, it is Theo's Birthday. Frustrated, Theo takes a photo of herself and her messy desk with patient charts and notes spread around, and posted it on Facebook and with the caption:

“Happy Freakin’ Birthday TO ME ☹!”



Did Theodosia do anything wrong?

Confidentiality

The podiatrist and their staff must maintain strict confidentiality (subject to federal and state laws) as to the condition and treatment of all patients. Release of any information must be premised on the consent of the individual patient, unless otherwise mandated by law. (See interpretive guideline.) (ME3.0)

*The podiatrist will take all reasonable means necessary so that confidentiality of patient medical records and conversations are strictly maintained in the use of any on-line, website, or **social networking** communication medium. (ME3.13)*

Interpretive Guidelines:

A patient has the right to have all identifiable medical and health information treated in strict confidence. This right includes the right to control the dissemination of such information. A patient must be secure in the expectation that medical information disclosed to the podiatrist will remain confidential. Failure to respect the right of privacy may cause patients to withhold important information vital to their care. Unauthorized release of confidential material may result in embarrassment, stigma, discrimination, and possible legal liability. (ME3.0)

My Shot

- * Dr. Alexander Hamilton is a podiatrist and his wife Eliza has worked for him for over 20 years as the office manager. Some would say, she's really the brains behind the operation. Eliza has terrible heel pain and every so often Dr. Hamilton gives Eliza a shot of cortisone to help reduce the inflammation. Should Dr. Hamilton give Eliza a shot?

My Shot

ME1.33

- * The podiatrist should refrain from providing care for any individual with whom he/she has a relationship of a nature that may cause them to provide care with reduced objectivity, interfering with the exercise of sound medical judgment.

Assisting the Assistant

Dr. Mehta Tarsal's office assistant broke her wrist two years ago and has had severe pain since. The twice daily dosing with Vicodin ES has escalated to 3-4 times a day but her primary care physician will not write larger quantities of the prescription. Dr. Tarsal orders a stock bottle of 250 Vicodin ES tablets through the office to supplement her needs.



Is Dr. Tarsal providing appropriate care and treatment for his ailing office assistant?

Within the responsibility of a podiatrist is the need to evaluate the patient, initiate care decisions, and decide on the best treatment plan. The plan should encompass the entirety of the patient and utilize appropriate consultation or referral. (ME1.31)

A doctor should refrain from providing care for any individual with whom he/she has a relationship of a nature that may cause them to provide care with reduced objectivity, interfering with the exercise of sound medical judgment. (ME1.33)

The podiatrist is obliged to comply with the letter of all applicable laws and regulations. (BE5.0)

Certified?

Doctors Thomas Jefferson and John Adams are podiatrists in practice together in Washington, DC. As part of their marketing efforts, they have distributed flyers throughout The Capitol mentioning their services and indicating that they are “certified” and “bipartisan friendly.” They have also included board certification in their professional affiliations as well as on their business cards for dealings with other professionals. Both have repeatedly included themselves in listings under sections labeled “Board Certification.” However, only Dr. Jefferson holds advanced training which would qualify him for “Board Certification” status as it is commonly applied in Podiatry.



Is it appropriate for Drs. Jefferson and Adams to represent themselves as “certified” or what can they say?

Both doctors engaged in unprofessional conduct by publishing misleading information, which tended to misrepresent their professional credentials. Both doctors were ordered to publish corrected entries to the listings that labeled them with "Board Certification". In addition, both doctors were reprimanded by the NH Board

Example: New Hampshire Board of Registration in Podiatry

Advertising: *The podiatrist has the responsibility to properly represent themselves in advertisements and other forms of communications to the public, including, but not limited to, statements about training, ability, board certification, and scope of practice. (BE1.0)*

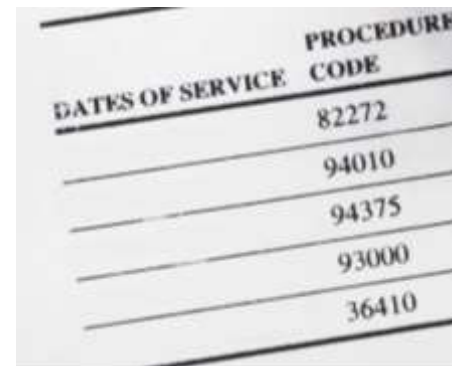
The podiatrist shall ensure that communications to the public are accurate and do not convey false, untrue, deceptive, or misleading information. The podiatrist shall provide truthful and accurate representations of his/her credentials, training, experience, or ability. The podiatrist shall not communicate claims of superiority that cannot be substantiated. (BE1.11)

Is it appropriate for Drs. Jefferson and Adams to represent themselves as “certified” or what can they say?

- * **461.013 Grounds for disciplinary action; action by the board; investigations by department.**—(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in [s. 456.072\(2\)](#):
 - * (d) False, deceptive, or misleading advertising.

Down Coding

Several years ago, Dr. Arthur O. Scopee had several claims denied for diabetic patients he was treating. He worried that an audit might be coming next. In order to avoid more denied claims and to prevent the possibility of an audit, Dr. Scopee decided he would undercode the services and procedures he was providing for his diabetic patients. He understood that he might not be reimbursed as much but it was better to be underpaid rather than denied or audited.



DATES OF SERVICE	PROCEDURE CODE
	82272
	94010
	94375
	93000
	36410

Has Dr. Scopee come up with an appropriate way to avoid any more denied claims?

Claims, bills, statements, and records must accurately reflect the services provided. Fraud includes but is not limited to knowingly presenting (through actual knowledge, deliberate ignorance or reckless disregard) or causing to be presented a false or fraudulent claim. (BE2.0)

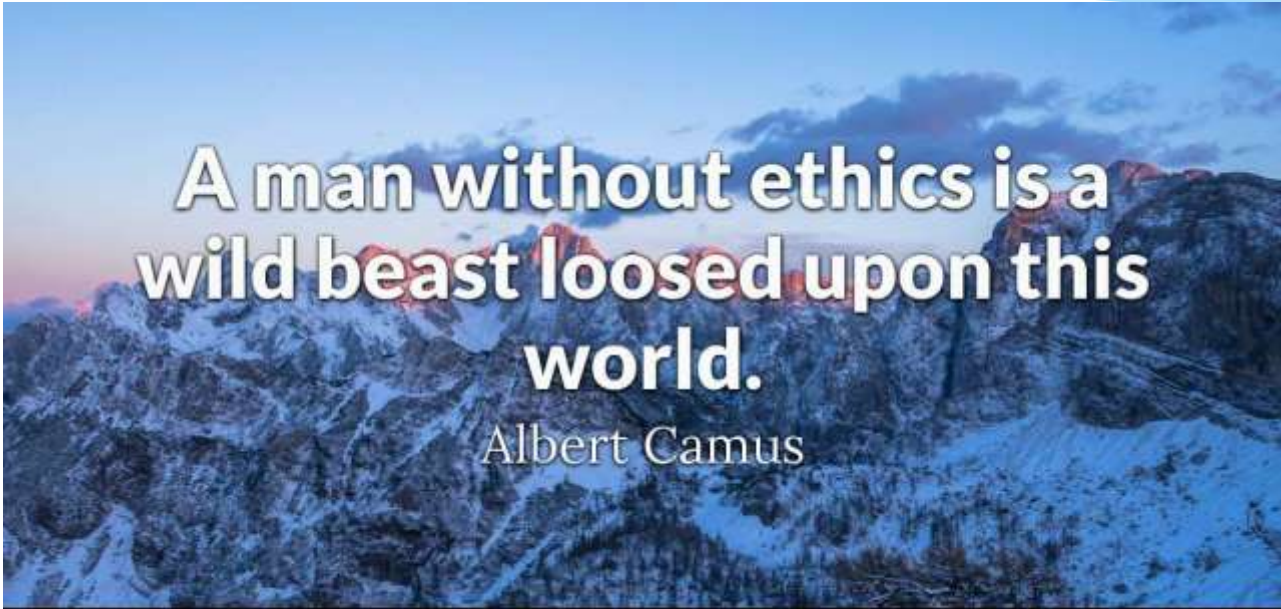
One Last Time

Dr. Angelica Schuyler Church is performing routine foot care on a 67-year old woman, and before she starts, she asks you, her assistant, to take the nail nippers out of the Cidex solution. You tell Dr. Schuyler Church that the solution was supposed to be changed this morning, but wasn't done yet. Dr. Schuyler Church says it's the 29th day, so it is fine for one last time. What should you do?

One Last Time


ME6.2 Practice and Blood Borne Pathogens

ME6.12 The podiatrist should exercise in his/her practice all appropriate preventive strategies to preclude the spread of blood borne pathogens.



**A man without ethics is a
wild beast loosed upon this
world.**

Albert Camus

 BrainyQuote