

Ethics Remediation

INPTRA

Ethics, Enforcement and Compliance

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Why Ethics Remediation

“Unethical behaviors result in a lose of trust about the public in professional helping fields. This can be prevented with an appropriate training program in applied professional ethics.”

(Dove, 1995)

When is Ethical Remediation Appropriate?

When a healthcare professional does not meet their ethical obligations:

Unknown obligations: *What I should have known*

Unfulfilled or ignored obligations: *What I should have done*

(CPEP 2014)

Recognizing Ethical Problems

Is it ethical? Legal? Or Both?

Misrepresentation

Boundary Issues

Financial Issues

General Issues

(CPEP,2014)



The obligation of a professional

“The privilege and influence that accompany professional practice obligate physical therapists to look beyond literal or superficial interpretations of their ethical code and to consider the complexities of the ethical issues evident in the current practice environment.

(Sisola, 2003)

Public Trust

“Thoughtful deliberation about ethical issues and a commitment to take action where warranted is a sign that the trust of patients and society is well placed. “

(Kirsch, 2003)

Ethics Violations Punish or Remediate?

Can ethics be taught?

Ethics remediation grounded in evidence,
with critical thinking.

Documented effectiveness proves ethics
concepts can be taught.

(Turner 2009)

Teaching Ethics

Teaching ethical decision making increases decision making confidence

(Elger and Harding, 2002)

The critical steps to teaching ethical decision making are: application principles to actual cases.

(Wilson and Ranfft, 1993)

Best format for acquiring Ethical Decision Making Skills

Workshop based learning has the best applicability to the clinical setting.

(Charon and Fox, 1995; Goldie, 2000; Dibbern and World, 1996; Hundert, 1995).



Limitations to learning ethical decision making

- Lack of prior ethics training

Poor knowledge of concepts so unable to apply them.

(Perkins, H; Geppert, C.; Hazuda, H., 2000)

- Misconceptions about ethics

Skepticism: Are there right and wrong answers to ethical problems?

Subjectivism: Belief that ethics is whatever any person feels is right.

(Brody, B. 1983)

Is there value in remediation?

Discovery of ethical foundation of the profession

Appreciation of professional responsibilities

Recommit to Professional Ideals

Saving a Professional career

(CPEP, 2014)



Ethics Courses

General Courses

On line courses

In person courses

Remedial Courses

One on One remediation/mentorship

Group Courses

Monitoring Models for peer review.



How should we remediate?

- Teaching ethical decision making increases decision making confidence.

(Elger and Harding, 2002)

- Workshop based learning appears to have the best applicability to the clinical setting.

(Goldie, 2000)

A Programmatic Approach

Minnesota Dental Board: *One on One* Remediation program 1991

ProBE offered nationally since 1995

(d'Oronzio, 1996)



ProBE

Originally just for physicians

Currently 45 states & DC

4 Canadian provinces



An Interdisciplinary Approach to Remediation

- Five Primary Professions make up more than 90% of the participants:
 - Medicine, Dentistry, Chiropractic, Pharmacy and Physical Therapy
- Six Medical Specialties make up 74% of the medical participants:
 - Internal medicine, family medicine/general practice, psychiatry, Obgyn, anesthesiology and pediatrics

(Caldicott, 2014)

The Ambiguity of The Referral

Most but not all referrals are from licensing Boards by a Consent Order.

The negotiation that results in the Consent Order may infer infractions that indicate that a transgression is more ethical than regulatory.

Caldicott, 2014



The Complexity of the Infraction

Violation of professional ethics is rarely an isolated infraction.

Generally the violation is embedded in a more clearly identified and concrete violation of a State Practice Act. Generally “Unprofessional Conduct”

Caldicott, 2014



Setting the Context

- The broad category of “*Professional Misconduct*” incorporates both violations of law and behavior that is marginally ethical.
- The ProBE faculty has to help the licensee identify and *reframe* the specifics of the unethical conduct.

(Caldicott, 2014)

The ProBE Experience

- 2.5 Days 15 participants maximum, 2 faculty
- Seven modules
- Preparatory readings prior to ProBE
- Case analysis, in class presentations, discussions
- Final Essay due 2 weeks following course completion

Caldicott, 2014



The Essay-Reflection on the Remediation

- “Summing up” the experience
 - What did the participant learn about what they were referred to ProBE for.
 - Analyze their infraction in the context of their participation in the program.
 - In “substance and process” brings closure to the accusation, verdict, discipline and finally **restoration**.

(Caldicott, 2014)

Why an Ethical Violation?

People break rules for four reasons – **human error**, **stuff happens**, **negligence** and **recklessness**.

The worst offender is somebody who intentionally violates a rule or social/ethical standards within the licensing act.

To Remediate or Not to Remediate?

- What is the Question?



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