Violations of Ethical Behavior: Can they be predicted, measured and rehabilitated?

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Learning Objectives
- Identify trends in disciplinary actions
- Discuss/apply Models of Ethical Decision Making
- Identify the impact of social media on the ability to maintain professional boundaries, privacy and confidentiality
- Discuss Ethical Violations and Board Actions from the regulatory body and licensee perspective
Everyone is Vulnerable!!!

- Vulnerabilities (internal)
- Risk factors (external)
- Level of accountability (internal)
- Degree of resistance (internal)
- Catalyst (internal and external)

Trends in disciplinary actions in US

- Impaired practitioner
- Sexual impropriety
- Failure to disclose arrests or convictions (CORI Check, HPDB)
- Poor communication
- Unlicensed practice
- Over and under-utilization

Models of Ethical Decision Making

- Traditional Principle Based
- Ethical Assessment Framework (EAF)-used by nurses
- Institutional algorithms for decision making
- The framework for moral decision making
- Clinical Ethical Decision Making
- RIPS-used by Physical Therapists
Impact of social media on professional boundaries

- When is a smart phone not so smart
- Report by British Medical Association (MD’s using social media inappropriately)
- Confusion about what is confidential

Ethical Violations and Board Actions

- Regulatory Body’s Perspective
- Investigator’s Perspective
- Licensee Perspective

Ethical Violations and Board Actions - Regulatory Body’s Perspective

- Protect the Public
- Punish or Remediate
- Education
- Professional Socialism
Ethical Violations and Board Actions -
Regulatory Body’s Perspective

- Primary Mission of Boards
  “Protect the Public”
- Remove from practice or limit practice to
  increase protection of patients
  - Short term
  - Long term
  - Indefinitely
- Remediate through Education, Supervised
  Practice, “Mentorship”, Medical Care

Ethical Violations and Board Actions -
Investigator’s Perspective

**Practitioner in question:**
- Blame others for “turning them in to Board”
- Anger at Board for questioning their professional behavior
- Denial of responsibility, they are fine practitioners and members of
  the community
- Inappropriately places blame
  - Lack of knowledge of guidelines
  - Personal issues at time
  - Depression
  - Single occurrence of this problem not routine behavior
- They just don’t get it!

Ethical Violations and Board Actions -
Licensee Perspective

- Why me?
- Not my fault!
- I am a good person, I would never
  do anything to harm a patient!
- What can I do differently next time?
- Why did this happen and how can I avoid
  in the future?
Assessment and Prevention Tools for Ethical Behavior Violators

- Self Reflection
- Peer Review
- Performance Improvement
- Mentor-Mentee Relationship
- Peer Support Group

Availability and Objective of Remediation Programs for Violators of Ethical Standards

- Boundary Violations
- Substance Abuse
- Fiscal Mismanagement

Types of Programs-PROBE

- Identification of issue that requires remediation
- Peer review of other professional issues
- Self Assessment
- Working through relevant scenarios
- Final essay and assessment of understanding
PBI (Professional Boundaries Inc)
Multiple courses for physicians and other professionals (PTs, RNs, Psychologists etc)
- Lawyers (on-site and on-line), Teachers (on-line), Nurses (on-line and on-site)
- Physical Therapists (on-line in draft form)
- Ethics (on-site)
- Boundary Crossing
  - Accepting responsibility, understanding actions to planning course of actions (on site)
  - Pre-coursework preparatory(on-line)
  - Post-course with other violators and faculty facilitator (on phone)
- Documentation (on-line and on-site)

Workshop Session
Role: Member of a Licensing Board
- View video vignette
- Ask clarifying questions of the speaker
- Summarize the case as a regulator
- What action would you take as a Board Member?
- Recommend at least one possible prevention and one possible remediation step
- Expected outcome and follow up steps

“Boundary Violation Video Series”
Workshop Session
Role: Professional Licensee
• View video vignette
• DENIAL
• Summarize what you did that caused you being bought before the Board
• Identify at least one possible prevention and one possible remediation step that would prevent you from violating again
• Expected outcome and follow up steps

“Boundary Violation Video Series”

Measuring Ethics Violations
• Qualitative Studies
• Neurological/Behavioral Assessment
• Written test of ethical decision making (anticipated vulnerability and post treatment changes)
• Self-reflection, mentorship and peer group ongoing assessment
Take Away Points

Questions

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