
 Council on Licensure, Enforcement and Regulation  
2011 Annual Educational Conference

  
**Pittsburgh** Pennsylvania

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

Presenters: Z. Annette Iglarsh, PT, PhD, MBA  
Nancy Kirsch PT, DPT, PhD  
Sherri Paru, PT

*Promoting Regulatory Excellence*

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**Presenters**

- Z. Annette Iglarsh, Member, MA Board of Allied Health Professionals; Former Member, PA Board of Physical Therapy Licensure
- Nancy Kirsch, Chair, New Jersey State Board of PT; Vice President, Federation of State Boards of PT
- Sherri Paru, CLEAR Investigator; Clinical Advisor/Investigator, Oregon Physical Therapist Licensing Board

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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

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**Everyone is Vulnerable!!!**

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

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**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



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**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

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**Impact of social media on professional boundaries**  

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

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**Ethical Violations and Board Actions** 

- Regulatory Body's Perspective
- Investigator's Perspective
- Licensee Perspective

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**Ethical Violations and Board Actions-  
Regulatory Body's Perspective** 

- Protect the Public
- Punish or Remediate
- Education
- Professional Socialism

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### 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



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### 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!



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### 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?



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**Assessment and Prevention Tools for Ethical Behavior Violators**

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

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**Availability and Objective of Remediation Programs for Violators of Ethical Standards**

- Boundary Violations
- Substance Abuse
- Fiscal Mismanagement

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**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

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**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)

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**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

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**“Boundary Violation Video Series”**



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**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

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**“Boundary Violation Video Series”**



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**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

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**Take Away Points**



**Questions**

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