

# Ethics Remediation for Lapses in Professionalism and Boundaries The *ProBE* Program Approach

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***ProBE*** Remediate  
Rehabilitate  
*Rededicate*

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A CPEP Program

# Today's Topics

- What is the *ProBE Program*?
- Who can attend *ProBE*?
- Types of behaviors that are amenable to our approach
- The process
- Final Evaluation and Assessment Report
- Meaning of the final grade

# Today's Topics (continued)

- How to write orders
- Confidentiality
- Effectiveness
- *ProBE Plus*: a 12-month follow-up program

# What is the *ProBE* Program?

- Intensive, non-adversarial, educational intervention *targeted to each participant's specific infraction*
- Seminar methods:
  - *Syllabus readings with interactive discussions*
  - *Written exercises*
  - *Full disclosure of reason for referral (cf: language from Dental Practice Act)*
  - *Video prompts for discussion*
  - *Role play exercises*
  - *Case analyses*

# What is the *ProBE* Program (continued)?

- **Curriculum components**

- *Professional virtues*
- *Dentist or hygienist-patient relationship*
- *Boundary issues*
  - Slippery slope
  - Graded risk model
- *Intra- and inter-professional accountability*
- *Social contract between dental professions and society*

- **Final essay**

# *ProBE's* Objectives

- To develop a capacity to think ethically about one's infraction
- To answer the question, "Why *should* my board or regulatory college care about what I did?"

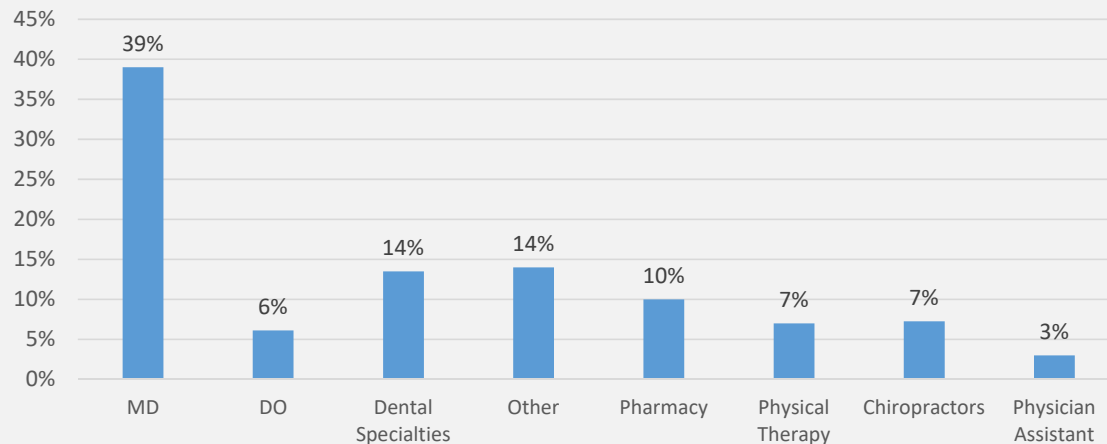
# *ProBE* History and Sessions

- Since 1992
- ~1800 participants
- 48 states, DC, 7 Canadian provinces
- 16 sessions/year
  - *10 in US: Boston, Denver, Newark, Raleigh*
  - *6 in Canada: 5 in Toronto, 1 in Vancouver*
- Sessions span three days

# Who Can Attend *ProBE*?

- Members of any *healthcare* discipline
  - *Profession-specific norms*
- Professionals, students, advanced trainees
- Seminar
  - *~14 participants, 2 faculty (including dentists)*

*ProBE* Participation by Profession





# *ProBE* and Dental Professionals

- **Dentists**
  - *First referred in 2000*
  - *Approx. 200 to date*
- **Dental hygienists**
  - *First referred in 2008*
  - *Approx. 40 to date*
- **Also denturists since 2015**

# Behaviors Amenable to *ProBE's* Approach

- **Boundaries Issues (37%)**
  - *Dual relationships, inappropriate prescribing, sexual misconduct, inadequate supervision, accessing privileged info of non-patients*
- **Financial Improprieties (18%)**
  - *Billing that does not match the dental record documentation or for services not provided, unnecessary testing/treatment, self-referral*
- **Misrepresentation (30%)**
  - *Falsifications, misrepresentation of credentials, cheating on exams, practicing outside scope and training, practicing with a lapsed license*
- **Lapses in Fiduciary Responsibilities (13%)**
  - *Inadequate record-keeping or informed consent, patient abandonment, clinical negligence, impairment, breach of confidentiality, civil/criminal*

# The Process

- Licensee is ordered to attend *ProBE*
- On-line enrollment
  - *All prospective participants are vetted by the Program Director within 24-48 hours*
  - *Submit referral documentation*
  - *Rarely some are unsuitable and are referred to a different sort of intervention or evaluation*
- Enrollee receives syllabus and pre-session assignments

# Pre-Session Information from You

- **What happened?**
- **When?**
- **How discovered?**
- **Your response (penalties, sanctions, interventions, etc.)**
- **Your specific concerns**

**Via a Consent Agreement, Stipulation, Non-disciplinary or Corrective Action Agreement, Letter of Admonition, Professional Development Plan, or letter**

# Timeline

- **Seminar**
- **Two weeks later: final essay submission**
- **Two weeks later: Evaluation and Assessment Report released**

# The Final Essay

- State the specific allegations or infraction
- Explain the role of the licensing board/regulatory college
- Explain why the board *should* care about the behavior/infraction
  - *Specific ethical theories*
  - *Boundaries framework*
  - *Power dynamics between professional and other*
- Describe evolution of response to being held to account
- Identify future safeguards

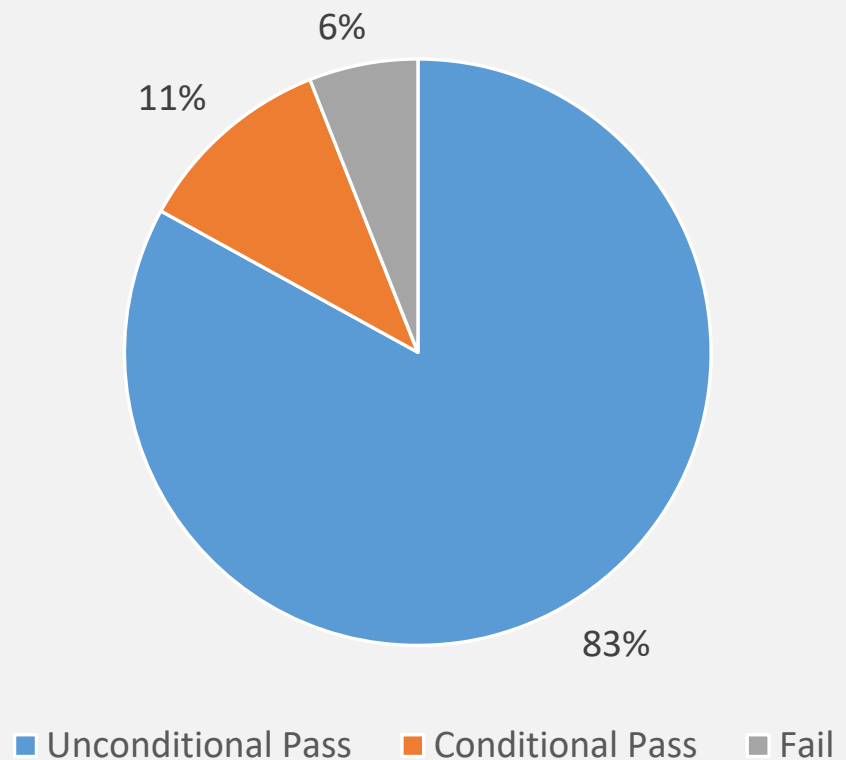
## Final Report: Evaluation & Assessment (E&A)

- Sent to you four weeks after the seminar date
- Accompanied by the participant's final essay
- Comments on *both* seminar participation and the final essay

# E&A Report: Final Grades

- **Unconditional Pass (~83%)**
- **Conditional Pass (~11%)**
- **Failure (~6%)**

Possible *ProBE* Outcomes





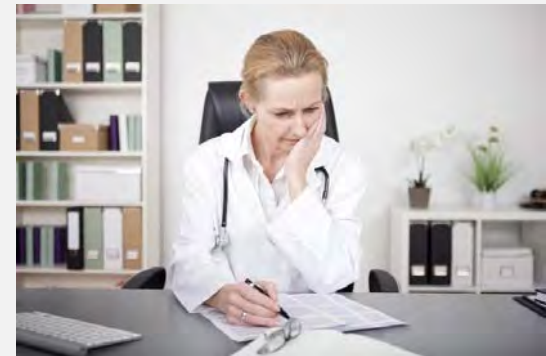
# E&A Grade: Unconditional Pass

- **Participant demonstrates**
  - *Why one should be held to account*
  - *Taking other perspective(s)*
  - *Explaining where their thinking had been flawed*
  - *Applying ethical frameworks*
  - *“Probing” into why it happened*
  - *Offering future safeguards*
  - A capacity to think ethically about the behavior



# E&A Grade: Conditional Pass

- **Participant demonstrates**
  - *Partial comprehension*
  - *Lack of attention to all aspects of infraction*
- **E&A includes**
  - *Suggestions for additional interventions that might make the remediation more successful*



# E&A Grade: Failure

- **Participant demonstrates**

- *Defensiveness*
- *Inability to take other perspectives*
- *Unwillingness/inability to examine their flawed thinking*
- *Lack of seriousness, preparation*
- *Lack of attention to requirements of essay assignment*
- *Absent or inadequate evidence of a capacity to think ethically about the behavior*



# How to Write Orders for Attendance?

- “Successful” completion
  - *What defines successful?*
- Consider ordering an unconditionally passing grade
- Consider ordering repetition if grade falls short
  - *Perhaps include this in initial order*



# Confidentiality

- **Explicitly discussed and re-addressed during seminar**
- **Participants are asked to affirm that they will apply the same standards of confidentiality to ProBE as they do in clinical setting**
- **Re-affirmed in written ground rules for participation**
- **Faculty handle any disclosures of reportable or other concerning information privately with the participant during the seminar**

# Effectiveness

## ***ProBE*** addresses four dimensions\* of professional performance

- *Sensitivity: identify the ethical issue(s) in the situation*
- *Reasoning and judgment: employing multiple ethical theories*
- *Motivation: prioritizing professional values above other competing considerations*
- *Implementation: recommitment to professional ideals; future plans and safeguards*

*\*Rest, et al: The Four Component Model of Moral Behavior*

## Effectiveness (continued)

- No intervention can guarantee a dental professional will never go astray again.
- Markers of effectiveness:
  - *Palpable change in attitude (“Aha!” moment)*
  - *Ten known recidivists out of ~1800 participants over 23 years*
  - *Referrals have tripled since 2010*

## *ProBE Plus*

- A 12-month follow-up to *ProBE*
- “Ethics monitoring”
- For those who have passed *ProBE*
- Ordered at the same time as *ProBE*



# *ProBE Plus* Structure

- Faculty mentor from *ProBE* faculty
- Curriculum of readings, discussions, literature search, multiple writing assignments
- Aims:
  - *Demonstrate that the participant can put into practice what was learned in ProBE*
  - *Produce a more fully developed and researched essay regarding reasons for referral*
- Interim and final report to you (pass/fail)

# Thank You

**If you have additional questions:**

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**Denver 303-577-3232**

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# Attendees who Repeat

- **The vast majority do extremely well the second time**
- **Repeat attendance affords**
  - *Re-exposing them to the material*
  - *Re-engaging with the experience of voicing the infraction in their own words*
  - *Publicly taking ownership of the infraction*
  - *Recognizing that they are not alone*
  - *Integrating the perspectives of the faculty and the other participants*
  - *Revisiting the essay's expectations of ethical analysis, articulation of professional obligations violated, and insights that will form the foundation for more responsible practice going forward.*

# When Repeating Is Not Recommended

- **Exceedingly concrete thinkers**
- **Those with behaviors, comments, or writing suggestive of cognitive, behavioral, or organic issues**
- **We can help you with those determinations**