

September 18, 2014



A Lifeline After an Ethical Lapse

By Tiffani Sherman

Physicians are used to making quick decisions that could mean the difference between life and death. Ethical decisions are not always so cut-and-dried, and that can mean trouble.

Whether it's writing a prescription for a neighbor, being Facebook friends with a patient or keeping incomplete records, gray areas and ethical lapses can get medical professionals in hot water with state licensing boards and other organizations.

"There are standards of behavior that are important that are not necessarily written down as rules or laws," said Catherine Caldicott, MD, program director of the Denver-based Professional/Problem-Based Ethics Program, known as ProBE. Begun in 1992 by the Ethics Group and acquired in 2007 by the Center for Personalized Education for Physicians, it is designed to help medical professionals who may be facing punishment and need ethical remediation.

"The people who come to ProBE generally do not want to be there," Caldicott said. "The people who come to ProBE are good human beings and good clinicians who made bad choices." Each of the center's 14 annual sessions contains 12-14 participants, all referred to the course by state licensing boards or other oversight organizations. It's a way to get a second chance and maintain a license or certification, and, ultimately, a livelihood.

The work is not easy. Participants must fully disclose the problem that caused them to participate to the entire group. "They must probe into the reasons why they went astray," Caldicott said. "What we look for at the end of the course is whether they developed a capacity to think ethically about what it is that got them into trouble."

Participants attend sessions over two days plus the morning of a third day in Denver, Raleigh, Newark or Toronto. Tuition is \$1,695. Group members work on clinician/patient relationships, boundary issues, accountability and professional virtues.

After the classroom work, participants must submit an essay that analyzes the participant's infraction or situation from an ethical perspective. "We have very specific guidelines in our essay, and we expect participation in our sessions," Caldicott said. "If they are unwilling or unable to accept responsibility for what they did and accept that there is another perspective, those people fail," she said.

Only about 5 to 6 percent of the students fail the class, she said. The others either receive an unconditional pass or a conditional pass. ProBE reports all results to the referring organization. Recidivism is low. "It works for a lot of people, and it works really well," Caldicott said.

Often, it isn't something obvious that trips up physicians ethically. Sometimes it involves financial pressures, relationship issues, burnout or distractions of love or lust. Lapses in judgment can happen for what some physicians see as justifiable reasons, Caldicott said. For example, she said, if a patient doesn't have a prescription drug plan but that person's spouse does, a physician might think of writing a prescription for the person with insurance coverage, thinking it is helping the patient. Instead, it is actually falsifying records and insurance fraud, both ethical lapses.

Medical schools now include some ethics classes in their curriculum, but young physicians need to learn to protect themselves, Caldicott said. "Ethical reasoning is no different from learning how to suture or ride a bicycle," she said. "You can practice, it becomes easier and faster the more you do it."

It does take effort. Caldicott suggested spending time on the website of your state's licensing board so you know what expectations are. "So much of avoiding conflicts and avoiding trouble is to step back and deliberate. Seek out a couple of trusted colleagues who have a lot of experience, whose judgment you respect," she said.

But if trouble arises, there is help. "We're all human. Be as self-aware as you can be," Caldicott said. "Be clear about what your intentions and motives are, be aware of what your own vulnerabilities and needs may be. Just be reflective and thoughtful about what you do."

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