

## Why Ethics Remediation?

In general, ethics remediation is appropriate when a healthcare professional fails his or her professional obligations in these ways:

- Unknown obligations: *What I should have known*
- Unfulfilled or ignored obligations: *What I should have done*

Healthcare professionals can fail their professional obligations in many ways. Listed below are categories of professional ethical infractions that occur among healthcare professionals— such as misrepresentation, boundary violations, financial issues, and others—with examples within each category.

### Misrepresentation

#### *Omitting Information*

- Omitting information on license, privileging, or other applications
- Failure to disclose practice or privilege restrictions
- Failure to disclose previous disciplinary action or sister-state actions

#### *Credentials Deception*

- Misrepresentation of professional credentials or specialty certification
- Practicing outside one's appropriate scope of practice
- Calling oneself a specialist in a field without adequate training

#### *Falsification*

- Falsifying clinic attendance records to disguise pattern of absenteeism
- Forging supervisory signatures
- Cheating on examinations, including sharing information from licensing or certification examinations with others who have yet to take those examinations.

#### *Unlicensed Practice*

- Practicing prior to licensure or on expired license
- Advertising oneself as duly licensed when that is not true

## **Boundary Violations**

*Dual Relationships*—Blurring the lines between the patient-clinician relationship in ways that treat the patient differently from other patients, or take the clinician out of the role of healthcare professional, or allow for exploitation or coercion.

- Favored treatment of some patients over others
- Favored treatment of colleagues, friends, family members
- Borrowing money from or lending money to patients
- Providing prescriptions for controlled substances to family, friends, colleagues

### *Privacy and Respect Violations*

- Taking photographs or videos of patients without their consent
- Posting patient-related information on social networking sites
- Harassment or physical abuse of patients or colleagues/co-workers
- Accessing privileged information of non-patients or colleagues/co-workers

### *Sexual Misconduct*

- Harassment
- Prescriptions or drugs for sex
- Inappropriate conduct toward other professionals
- Sexual relations with patients or family/friends of patients
- Texting, sexting, or suggestive emails or social networking messages with patients or family/friends of patients

*Failure in Supervisory Responsibilities*—Often these are lapses in accountability as “captain of the ship” or responsibilities conferred by professional title or role.

- Allowing unlicensed individuals to render care
- Inadequate supervision of clinical subordinates
- Inadequate supervision of support staff

### *Drug Diversion*

- Writing prescriptions for friends, family, non-patients, or existing patients without medical record documentation
- Inappropriately prescribing controlled substances, including medical marijuana
- Allowing prescription pad to be used by others
- Self-medication of chronic conditions or addiction

## Financial Issues

### *Billing Issues*

- Billing for services not provided
- Unnecessary testing or treatment
- Up-coding, fee-splitting, accepting kick-backs

*Failure to Maintain Adequate Records*—Highlights mismatches between what is documented in the medical record to support diagnostics and treatments and what is billed.

- Failure in proper documentation
- Failure to provide medical records when requested

### *Criminal Fraud*

- Health insurance fraud
- Failure to file income taxes or filing inaccurate returns

*Internet Drug Violations*—Providing medications purely for financial gain

- Prescribing without a medical record (including history and physical)
- Prescribing without established clinician-patient relationship
- Prescribing enhancement drugs

*Self-referral*—This category includes concerns about conflict of interest.

- Referral to a diagnostic or treatment facility where the clinician has a financial interest
- In-office sale or recommending use of proprietary medications
- Misleading and deceptive advertising

## Miscellaneous Issues

*Civil and Criminal Violations*—These issues may have nothing to do with clinical care, but represent conduct unbecoming a healthcare professional.

- Shop-lifting
- Disorderly conduct
- Spouse/partner abuse

*Medical Errors in Record Keeping Due to Communication Lapses*—Distinct from poor communication skills, these issues reflect issues such as rights to information and participation in decisions, patient welfare, justice, healthcare professional trustworthiness, etc.

- Failure to inform patients or other healthcare professionals
- Medical record deficiencies
- Informed consent issues

### *OSHA Violations*

*Abandonment of Patients*—Included here are an array of examples of lapses in fiduciary responsibility

- Failure of giving notice
- Failure to provide referrals
- Refusal to treat on non-clinical grounds
- Refusal to treat patients with communicable diseases
- Clinical negligence

### *Breach of Clinician-Patient Confidentiality or Privacy*

- Using medical information for personal reasons
- Gossip

### *Impairment*

- Alcohol or other drug addiction
- Impairment due to aging, illness
- Impairment due to burnout, personal problems

### *Clinical Practice that Fails to Meet the Standard of Care*

### *Professional Accountability*

- Inadequate or untimely response to organization's or board's requests
- Violation of terms of agreement with organization or board