

Why Ethics Remediation?

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*

Listed below are examples of professional ethical infractions that occur among healthcare professionals.

Misrepresentation

Omitting Information

- Omitting information on licensure, 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 tardiness and/or absenteeism
- Forging supervisory signatures
- Cheating on examinations, including sharing items from licensing or certification examinations with others who have yet to take those examinations

Unlicensed Practice

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

Boundary Issues

Dual Relationships

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

Privacy and Respect Violations

- Taking photographs/videos of patients without consent
- Posting patients' 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 towards other professionals
- Sexual relations with patients or family/friends of patients
- Texting, sexting, or suggestive emails or social networking

Failure in Supervisory Responsibilities

- 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 or certifying medical marijuana
- Allowing prescription pad to be used by others
- Self-medication of chronic conditions or addiction



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Financial Issues

Billing Issues

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

Criminal Fraud

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

Failure to Maintain Adequate Records

- Failure to document properly
- Failure to provide medical records when requested

Internet Drug Violations

- Prescribing without maintaining a medical record
- Prescribing without established clinician-patient relationship
- Prescribing enhancement drugs

Self-referral

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

Other Issues

Civil and Criminal Violations

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

Medical Errors in Record Keeping Due to Communication Lapses

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

Abandonment of Patients

- Failure to give 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 or illness
- Impairment due to burnout or personal problems

Clinical Practice that Fails to Meet the Standard of Care

Professional Accountability

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

