



The ProBE Program

Professional/Problem-Based Ethics

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Roadmap

- Why ethics remediation?
- The ProBE Program
 - Who attends
 - Chiropractor participants
- Amenable infractions
- How ProBE works
- The effectiveness question

Why Ethics Remediation?

- To reintegrate ethically “impaired” HCPs into the healthcare community
- Well-trained, well-meaning
- Exercised poor judgment
 - Distracted (money, power, love)
 - Vulnerable (personal problems, burnout)
- Lost sight of professional obligations: things they *should have known or should have done*

What is the ProBE Program?

- Ethics remediation *targeted to the participant's particular infraction*
- Seminar, interactive, intense
- Multi-disciplinary (*13-15 participants*)
- Two faculty
- 1st evening/ 2nd full day/ 3rd morning
- Denver, Newark, Raleigh, Boston, Toronto
- 15 sessions/year
- Also “ProBE Plus”: 12-month, longitudinal, one-on-one mentoring after the ProBE Program

The ProBE Method

- Non-judgmental
- Focus on primacy of patient and public welfare
- Restore (remind) professional ideals
- Help participants identify ethical lapses in their misconduct
- Provide tools for ethical reasoning: to “probe”
- Offer an opportunity for rehabilitation and recommitment to professional ideals

ProBE's Objectives

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

Who Attends ProBE?

- 90% are referred by a licensing board
- Others are referred by attorneys, employers, professional schools
- Top five professions (in descending order)
 - Physicians
 - Dentists
 - Chiropractors (116 since 1998)
 - Pharmacists
 - Physical Therapists

Categories of Infractions (%)

Infraction Type	All ProBE Participants (%)	ProBE Chiropractors (%)
Boundaries	37	45
Misrepresentation	30	8
Financial	18	35
Miscellaneous	13	12

Sample Referral: Boundaries

- Sexual Misconduct (28% chiro total)
- Dual Relationships
 - special treatment; business relationship
- Privacy and Respect Violations
 - harassment; accessing privileged info
- Supervisory Lapses

Sample Referral: Misrepresentation

- Lying, omitting info on applications
- Credentials deception on CV
- Misuse of professional signature
(falsification of documents)
- Practicing outside scope of training
- Practicing without a license

Sample Referral: Financial Issue

- Financial improprieties (22% chiro total)
 - Inaccurate billing, up-coding, fee-splitting
 - Kick-backs
 - Billing for services not provided
 - Unnecessary testing/treatment
 - Self-referral, conflict-of-interest (e.g., mobile MRI units)
- Health insurance fraud

Sample Referral: Miscellany

- Clinical issues/negligence
- Poor record-keeping or inadequate informed consent
- Abandonment of patients
- Breach of confidentiality or privacy
- Impairment
- Professional accountability

The ProBE Curriculum

- Two preparatory assignments + syllabus
- Seven Modules
 - The Ideal Healthcare Professional
 - Stories of Infractions and Sanctions
 - Clinician-Patient Relationship: Models
 - Clinician-Patient Relationship: Boundaries
 - Accountability within Professions
 - Contemporary (External) Mechanisms of Accountability
 - Conceptual Resources for Applying Professional Ethics

After the Session

- Final essay: relate the substance of the ProBE Program to the individual's infraction *as an ethics case analysis*
- Evaluation and Assessment Report
 - Performance in session
 - Has the participant demonstrated a *capacity to think ethically* about the infraction?
 - Can the participant appreciate the board's perspective?
 - Final grade: unconditional pass (83%); conditional pass (12%); fail (5%)
- Both documents sent to the referring entity

Effectiveness

- Perfect clinical competence does not guarantee perfect clinical performance
- The same holds true for ethics
- Goal: evidence of a capacity to apply ethical principles to misconduct
 - Helping HCPs identify ethical issues in practice (*ethical sensitivity*)
 - Giving them tools for *ethical reasoning, judgment*
 - Offering an opportunity for rehabilitation and recommitment to professional ideals (*commitment*)

Final Observations

- Palpable change in attitude
- Learning from and helping each other
- The “aha” moment