

Proactive & Reactive Education: How to Better Educate Your Licensees

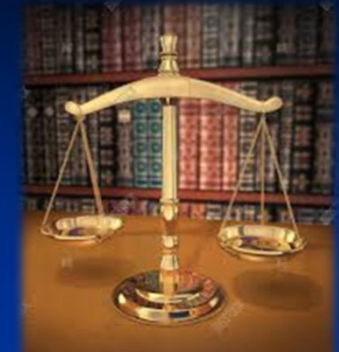
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Who Is This Guy and Why Should I Listen to Him?

- Former Investigator, Attorney and Director of Enforcement for the Texas Medical Board (1993-1996; 1999-2003)
- Attorney in specialized practice representing health care professionals before their Boards (2003 to Present)
- Faculty with PBI Education in Professional Boundaries, Ethics and Documentation (2006 to Present)

Lawyer at Work



- *Disclaimer*
- The opinions expressed are mine
- My opinions may not reflect those of McDonald, Mackay, Porter & Weitz, LLP
- My opinions may not reflect those of PBI Education
- My opinions may not reflect those of FCLB

Role of the Board

- Protect the Public
- Ensure enough well-educated providers to meet the public need



Proactive Education

- Licensees are generally rule followers
- Most don't know the rules.
- Part of your responsibility is to better educate them.



Proactive Education

■ Newsletter

- Inform on current concerns and best practice
- Rule changes and what they mean
- Context of disciplinary actions
- Avoid “legalese”



Proactive Education

- Recorded Continuing Education and Live Video Continuing Education
 - Mandatory Ethics?
 - Top Ten Lists
 - Focused areas of concern
 - Allow for Q&A
 - Cost Effective



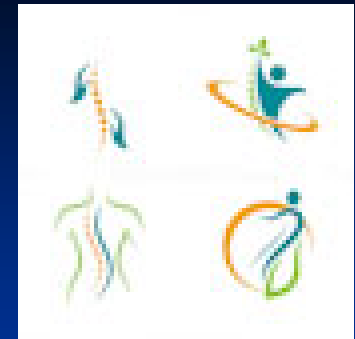
Proactive Education

- Goal for Proactive Education
 - Know the “Speed Limit”
 - Increase Compliance
 - Increase Patient Satisfaction
 - Increase Licensee Satisfaction
 - Reduce Complaints/Disciplinary Actions





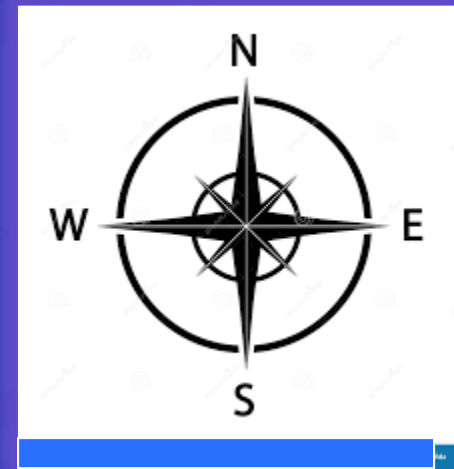
Chiropractors



- About 70,000 Chiropractors with 10,000 students.
- Average cost for a chiropractic education is over \$100,000.
- Treat 35 million Americans
- Chiropractors employ 280,000 people

Reactive Education

- Role of “Reactive Education” is to rehabilitate and reorient a practitioner
 - Live vs Static
 - Interactive vs Lecture
 - Projects/Tests vs Mere Attendance
 - Linear vs. One-Time



Reactive Education

- PBI teaches “The Formula”

The PBI Formula©

$$\text{Violation Potential (VP)} = \left[\frac{\text{Vulnerabilities} \times \text{Risk Factors}}{\text{Accountability}} \right] \text{Resistance}$$

- It is the interplay between
 - Risk Factors
 - Vulnerabilities
 - Resistances
 - Balanced by Accountability

Risk Factors

- Specialty Dependent
- Patient Population
- Age/Sex of Patients
- Inconsistent Use of Chaperones
- Poor Documentation
- Newer/Older Providers
- Solo vs. Group Practice
- Lack of Policies and Procedures
- Employee Turnover/Staffing Issues



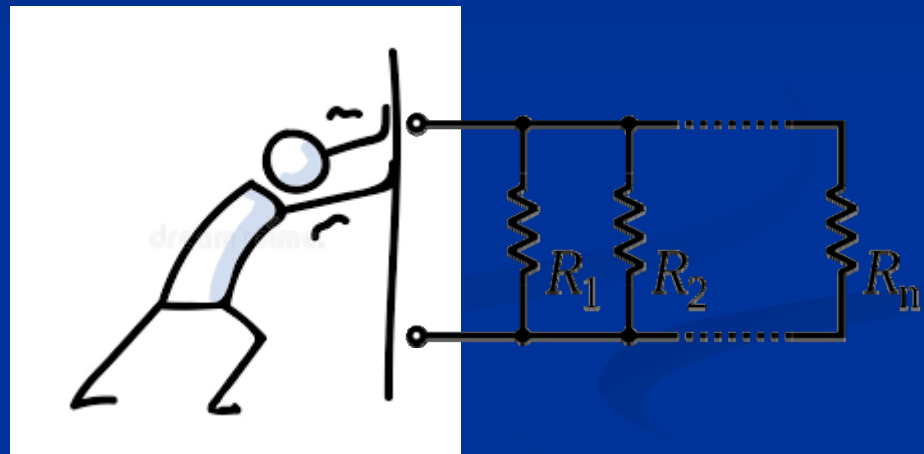
Vulnerabilities

- Mental Status
- Difficulty Saying “NO”
- Savior Complex
- Avoidance of Conflict
- Co-Dependency
- Burnout
- Personal Problems



Resistance

- Denial
- Projections
- Avoidance
- Humor
- Passive Aggression
- Inattentiveness
- Empire Building
- Rationalization/Justification
- Other-Blaming



Accountability

- Supervision
- Consultation
- Personal Therapy
- Mentoring/Coaching
- Monitoring
- Policies and Procedures
- Knowing Statute, Rules, Codes of Ethics, Newsletters
- Chaperons



Reactive Education

- PBI focuses on the “Four Rules”

- Everyone has violation potential
- Perception is reality
- Protect yourself at all times
- The Board is always right.



Reactive Education

- The goal of reactive education:
 - Ensure an understanding of the violation and why it occurred
 - Build the tools necessary to learn and grow from the experience
 - Prevent a repeat of the past
 - Create structures to build accountability
 - Spread the knowledge



Hearing/Asking For Insight

- Reactive Education depends:
 - What has the licensee done proactively?
 - Can the licensee demonstrate insight?
 - Can the licensee show concrete examples?
 - Are those mitigating factors sufficient to correct the issue?
 - Are the issues isolated or systemic?



Asking About Insight

- Since the goal is both protecting the public and to meet the public need, critical to balance this mission
 - If the licensee can demonstrate insight, explore and understand.
 - If insight is limited, education takes on a greater need
 - View your role as offering solutions



Collateral Consequences

- Often the Respondent's concern in resolving issues with the Board are the collateral consequences. Think of how to overcome this issue:
 - Perceptions matters – Findings of Fact and Conclusions of Law are critical to licensees
 - Impact beyond the Order/Stipulation
 - Focus on Improvement



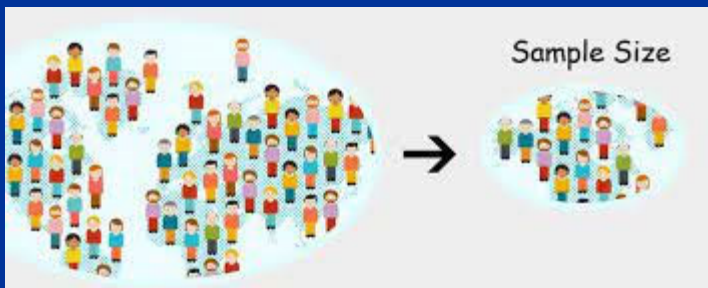
Goal of Education

- Save the licensee from a lack of knowledge
- Increase the licensee's awareness
- Help them help themselves
- Create a better patient outcome
- Increase satisfaction in the practice community for both licensees and patients



Does It Work

- A recent study by PBI with a sample size of 210:
 - Primary recidivism – 2.9% (6)
 - Secondary recidivism – 6.7% (14)
 - Followed graduates from 6 to 11 years.



PBIEducation.com

■ Courses in:

- Professional Boundaries
- Ethics and Professionalism
- Documentation
- Communication and Civility
- Prescribing
- Maintenance and Accountability Seminars
- Chaperones

