

## Ethical Considerations for the Healthcare Worker

## Duties of the Licensure Boards

Healthcare and other boards were formed by the legislature to protect the public from unsafe practice.

Licenses are monitored and their practice regulated to ensure their competence

## Ethical Behavior

- ▶ The rules or standards governing the conduct of a person or the conduct of the members of a profession
- ▶ Pertaining to human conduct, considering the rightness and wrongness of actions and the goodness or badness of the motives and ends of such actions.

## Unethical Behavior

## Obvious

- ▶ Working while impaired
  - ▶ drinking / taking prescription and non prescription medicines before or during work



## ▶ Stealing Medications

- ▶ Automated dispensing machines
- ▶ Patient's homes



- ▶ Patient neglect/abuse
- ▶ Giving medications/performing procedures without a doctor's order
- ▶ Not fulfilling your duties as a direct supervisor for a student working on a limited mandatory certificate

## Less Obvious

- ▶ False documentation
  - ▶ Documenting procedures that were not performed or administration of medications that were not given
  - ▶ Documenting vital signs that were not obtained
  - ▶ Documenting ventilator settings that you did not personally observe or ventilator changes that you did not do
  - ▶ Documenting oxygen settings that you did not personally observe

- ▶ Can occur when using a copy & paste or drag and drop in electronic documentation
- ▶ Can occur when using a report sheet to document instead of visualizing settings yourself

## Other examples

- ▶ Giving medications to co-workers
- ▶ Not following facility policy
- ▶ Taking orders from unauthorized personnel
- ▶ Unprofessional conversations with patients/families/visitors
- ▶ HIPPA violations/ Social media

## “Off Duty” examples

- ▶ DUI/AI
- ▶ Assault/Domestic Violence
- ▶ Child abuse

## How it works....

- ▶ Complaints are filed with the licensure board
  - ▶ Co-workers, physicians, Human Resources, anonymous

COMPLAINT			
TO:	NAME	DATE	TIME
WHOSE FAULT:	SELF	OTHER	UNSURE
DESIRED OUTCOME:	RESIGN	SUSPENSION	REINSTATEMENT
COMPLAINANT: _____			

### ▶ Board notifies you of complaint

- ▶ Await your response
- ▶ Decision is made about disciplinary action based partially on prior orders by the Board
- ▶ Offer is made for “Agreed Order”

### Board notifies you of complaint

- ▶ Circumstances are such that an investigation has to be done
  - ▶ Investigator is assigned
  - ▶ Subpoenas are issued
  - ▶ Interviews are done
  - ▶ Investigative report is issued to the Board
  - ▶ Board issues decision via “Agreed Order”

### ▶ You decide not to accept the terms of the agreed order

- ▶ A hearing is scheduled
- ▶ The “plea deal” is off the table
- ▶ A hearing officer is assigned from the Attorney General’s office to hear your case
- ▶ Evidence is presented
- ▶ Decision is made

### Protect your license

- ▶ You have received a DUI or substance abuse or possession charge
  - ▶ Don’t wait until your renewal!
  - ▶ Self report the charge to the Board
  - ▶ Call the recovery programs that serve your licensure board and self report

### KARE for nurses program

The Kentucky Alternative Recovery Effort for Nurses is a program developed and offered by the Kentucky Board of Nursing (KBN). KARE identifies and assist nurses whose abilities to provide nursing care are comprised by dependency on drugs or alcohol so that they can return to competent and safe practice.

### KARE

- ▶ Eligibility.....
  - ▶ Can be accessed by self referral, referral from another agency or person (employer, coworker, family member)
  - ▶ Must be RN or LPN licensed in Kentucky or an applicant for a credential issue by the KBN
  - ▶ Request participation in the program
  - ▶ Admit in writing to being a chemical dependent individual
  - ▶ Have not been terminated from a similar program in this or any other state for noncompliance

### ▶ Eligibility

- ▶ Have attend an approved treatment provider
- ▶ Obtain a chemical dependency assessment which include a complete physical and psychosocial evaluation performed by a licensed or certified medical or psychological specialist in the field of drug , alcohol, or other chemical dependency
- ▶ Agree to the terms set forth in the agreement
- ▶ Agree not to be employed in any capacity in a patient care setting or one that requires licensure until approved to do so by the program staff.

### KARE

- ▶ KARE compliance forms are located on the KBN website ([www.kbn.ky.gov/kare.htm](http://www.kbn.ky.gov/kare.htm)) To obtain further information or to make a confidential referral, call 800-305-2042

### KY PRN

The Kentucky Professionals Recovery Network-KYPRN, incorporated under Brian Fingerson, Inc, is a free-standing organization that helps to monitor both those clients known to their various licensing boards and those who are not known to their boards if there is not a complaint filed or an investigation ongoing. KYPRN also helps provide a network of folks in recovery throughout the state. There may also be Board-appointed committees that review cases. KYPRN helps to facilitate recovery of the individuals by using substance abuse treatment professionals when necessary for intervention, assessment, and treatment.

### KY PRN - Licensure Boards Served

- ▶ Accounting
- ▶ Chiropractic
- ▶ Dentistry
- ▶ Optometry
- ▶ Pharmacy
- ▶ Physical Therapy
- ▶ Prosthetics, Orthotics, Pedorthics
- ▶ Respiratory Care
- ▶ Social Work
- ▶ Veterinary Medicine

### KY PRN

You may self report or report a colleague

For assistance you may contact the KY Professionals Recovery Network- [www.KYPRN.com](http://www.KYPRN.com)

Brian Fingerson, RPh, 502-749-8385,  
or email: [kyprn@att.net](mailto:kyprn@att.net)

### CASE STUDY #1

- ▶ John, RRT is assigned room 225 , a pediatric patient. After being in the room several times assessing and caring for the patient, the child's mother starts to flirt with John. She is very attractive and John is flattered that she is flirting with him. He happens to notice her tattoo and comments on it. She asks him to call her in the room so that they can speak privately.

- ▶ John calls the room and they have a very racy phone conversation.
- ▶ When the nurse comes into the room, the child's mother tells her that John has been flirting with her and that he called her and talked to her and that it made her very uncomfortable. She says that he made comments about her tattoo and touched it without asking her.
- ▶ The nurse calls the house supervisor and she interviews the patient's mother and then interviews John.

John is reported to the Board of Respiratory Care. He is suspended from his job and eventually fired for unethical behavior.

The patient's mother threatens to sue the hospital for not providing a safe environment for her and her child.

John is disciplined by the Board for unethical behavior. He is suspended for 3 months and placed on probation for 2 years. He must complete ethics training and pay a fine to the Board. He must show any employer his disciplinary actions from the Board.

## CASE STUDY #2

Respiratory Therapist Cindy charts that the ventilator is set on 80% FIO<sub>2</sub>. The patient deteriorates and his saturations are dropping. As the doctor is reviewing the chart from his office he notes that the FIO<sub>2</sub> has been at 80% all day and decides instead to write an order to increase the PEEP. The Dr. arrives at the hospital to assess the patient and upon entering the room the Dr. sees that the ventilator is actually set on 40%.

With further investigation the Dr. discovers that the FIO<sub>2</sub> was changed to 40% the previous day per orders of his partner.

Furious that he was misled by false charting he reports Cindy to the Kentucky Board of Respiratory Care.

Cindy is fined \$500 and suspended for 3 months with one year of probation and monitoring of documentation.

## CASE STUDY #3

Respiratory Therapist Jody is working for a DME company and visits patient's daily. For some time he has become more and more dependent on pain pills. He first started taking pain pills for back pain after an accident at home. His co-workers notice he is agitated at times and other times seems depressed. They try to stay away from him and that suits Jody just fine.

After visiting his physician who has refused to write her a prescription for more pain pills, Jody is desperate for a "fix". At work the next day he sets up a visit with a cancer patient that is on home O<sub>2</sub>. The patient and his family trust him since he has been coming to his home for over a year now.

While at the home Jody asks to use the patient's bathroom and goes through his medicine chest, stealing 40 Morphine tablets.

After the visit the patient's wife went to the medicine cabinet to get a pain pill for her husband and immediately noticed pills missing from the bottle.

The wife calls the DME and reports what had happened. Jody is called in to do a "fitness for duty" drug screen.

The urine drug screen is positive for opiates

Jody is reported to the KBRC

His license was suspended for 6 months and on probation for 5 years . He is enrolled in the

KYPRN program.

## CASE STUDY #4

Cathy , an RN, was experiencing multiple stressors at home including the fact that her husband was unemployed and her seventeen year old daughter had started drinking alcohol. Her daughter had recently been arrested for DUI. Cathy was having difficulty sleeping and her Dr. prescribed Ambien 10mg to take every night for sleep.

Cathy had been taking Ambien for approximately two months

One night after she had taken the Ambien she received a phone call from the police that her daughter had been arrested for another DUI and possession of drugs. Cathy decided to drive to the police station. On her way to the station she was pulled over by the police for swerving all over the road while driving. The police arrested Cathy and took her to jail.

She awoke the next morning in jail and had no memory of any of the events that occurred the night before or why she was in jail.

The arrest was reported to her employer and she was terminated from her position of 12 years and reported to the KBN.

## Conclusion

- ▶ Strive to be ethical both on and off duty
- ▶ Seek help for addictions
- ▶ Remain conscientious even in routine tasks

After all, the public you are protecting...  
Are the people you love!!!

