

The "Approved List Method": Reducing Bias and Saving Regulator Resources

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Introduction

Many regulators have made a simple change to their order-writing process when mandating remedial courses, which other regulators may wish to adopt. They employ an "approved list method" by maintaining a list of approved remedial courses offered by remedial education providers.

This method accomplishes important goals:

- Saves staff resources by obviating time-consuming case-by-case approvals.
- Improves the timely compliance of licensees, for whom the process of enrolling in an approved course is simpler and quicker.
- Avoids the appearance of bias by not specifying a single course provider.

shall be arranged per this Decision.

(8) **Course on Professional Boundaries.** Within sixty (60) days of the effective date on this Decision, Respondent shall enroll in a course on the topic of professional boundaries, with a list of approved courses available for review on the Board's website at: [REDACTED]. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. The live component of this course shall be completed within six (6) months of the effective date on this Decision. Upon completion of this requirement, the Respondent shall submit a certificate of completion to the Board within fourteen (14) days of course completion. This requirement shall be in addition to the Continuing Medical Education ("CME") requirements for licensure renewal.

(9) **Course on [REDACTED] Record Keeping.** Within sixty (60) days of the effective date on this Decision, Respondent shall enroll in a course on the topic of [REDACTED] medical record keeping, with a list of approved courses available for review on the Board's website at: [REDACTED]. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. The live component of this course shall be completed within six (6) months of the effective date on this Decision. Upon completion of this requirement, the Respondent shall submit a certificate of completion to the Board within fourteen (14) days of course completion. This requirement shall be in addition to the Continuing Medical Education ("CME") requirements for licensure renewal.

Advantages of Approved List Method

Efficient use of staff time

- Reduces time-consuming, case-by-case vetting and approval of courses for every licensee
- Reduces back-and-forth communication with the licensee or their attorney regarding course selection
- Reduces the need for new staff training on the individual approval process
- Updates regarding approved courses or course providers only need to be made in one place. This reduces the potential for error when old language may be carried over to new orders.

Improved licensee compliance

- Faster, more efficient course enrollment process
- Licensee "buy-in" to the educational process due to feeling empowered with a choice
- Mitigation of licensee concerns that an individual education provider may be in communication with their regulator

Reduced perception of bias or discrimination

- Eliminates perception of bias or conflict of interest regarding one individual course or education provider
- Fair practices for consistent application of sanctions to all licensees
- Unifies regulatory staff and board member processes by eliminating the potential for inconsistent approval methods and standards

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Definitions

Remedial course:

An interventional program focused on addressing a participant's identified clinical deficiency or behavioral issue of concern through education, and teaching the participant ways to prevent future instances of concern.

Approved list method (*Recommended*):

When mandating licensees to complete a remedial course, either provide them with a list of pre-approved remedial courses or, alternatively, name two or more approved remedial courses directly in their order.

Example 1: "Within 30 days of the effective date of this order, the respondent shall enroll in a board-approved professional boundaries course. A list of board-approved courses is attached."

Example 2: "Within 30 days of the effective date of this order, the respondent shall enroll in a board-approved professional boundaries course. Approved course providers are either Educator XXX or Educator YYY."

Singular approval method:

When mandating licensees to complete a remedial course, provide them with the name of only one remedial course.

Example 1: "Within 30 days of the effective date of this order, the respondent shall enroll in the professional boundaries course with Educator XXX."

Example 2: "Within 30 days of the effective date of this order, the respondent shall enroll in the professional boundaries course with Educator XXX or an equivalent course, subject to approval by the board."

Case-by-case approval method:

Mandating licensees to complete remedial coursework without providing specific options.

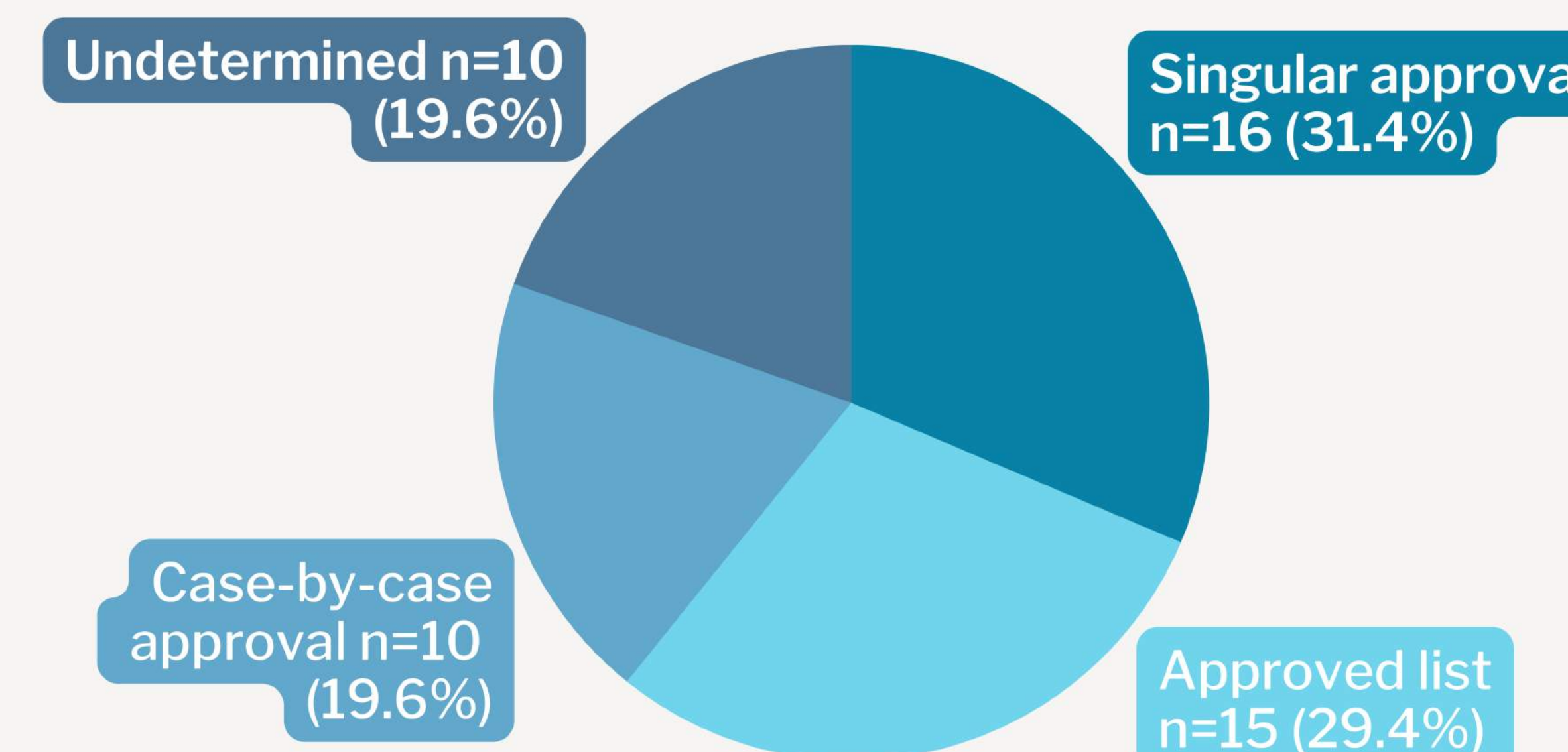
Example: "Within 30 days of the effective date of this order, the respondent shall submit to the board for pre-approval the name of a course covering topics in professional boundaries."

Data

We inventoried 51 US medical regulators for their referral practices, using publicly available information from their websites and information provided by PBI course participants.

- 15 regulators were found to use the approved list method
- 16 regulators were found to use the singular approval method
- 10 regulators were found to use a case-by-case approval method
- 10 regulators are classified as undetermined, as they either did not have language in their orders that was clear enough to categorize, or the study team could not locate orders requiring remedial courses

Methods of Ordering Remedial Courses Among US Medical Regulators (n = 51)



Implementation

Steps to Implementation:

1. Determine remedial courses that meet your criteria for pre-approval (See handout - suggested criteria for approval of remedial course)
2. Compile your list of approved courses by topic area (e.g., professional boundaries, ethics, communication) and include (at minimum) two education providers under each topic
3. Distribute the list via a page on your regulatory website and inform your team to update the standard language used in orders when a course is required

Implementation Challenges:

Some regulators prefer to take a more individualized approach to approve specific courses or education providers, making their determination based on the particular merits of a single remedial course or remedial education provider. When this is the case, the approved list method may cause a lost sense of control among the regulatory staff or board members. The approved list method is an appropriate, efficient, and effective approach for the majority of cases. However, in particularly challenging or unusual cases, regulators still maintain the ability to mandate a specific course or education provider.

Conclusion

Regulators share ideas and learn from each other via the professional literature and during regional and national conferences. Through more than 20 years of reading regulatory orders and referral documents, PBI Education offers its observations about how orders for mandated remedial education are written, observations that may not be widely known throughout the regulatory community. The "approved list method" is described with the intention that it may streamline regulatory processes, ensure consistency, reduce workload on already burdened administrative staff, improve licensee compliance with mandated remedial education, and reduce any perception of bias.