



# Remediation Intervention In Disciplinary Action

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## Objectives

- Distinguish remedial educational interventions from other education
- Explain why remediation is useful
- Discuss who has remediation potential
- Justify the timing of remediation
- Describe how remedial education works
- List criteria for a reputable remedial course provider

# About your speaker

- MD, Internal Medicine
- Academic career in ethics education, clinical consultation, research since 2001
- Remedial education faculty since 2007
- Program Director for a remedial ethics course x 7 years
- PBI Senior Faculty, Regulatory Liaison, Medical Director since 2017
- Publications on remediation

## Introduction

Regulators must make appropriate dispositions in response to licensee conduct of concern

- Educational courses
- Coaching
- Peer assessors
- Mentorship

# WHAT

## What is remediation

- “To remedy”
- To right a wrong or correct a fault

# What is remedial education

Unlike usual nursing CE / CPD

- Intensity
- Topic (usually)
- Small group
- Plan of action
- Written report provided
- Failure is possible

## WHY



# Why refer for remediation

Investigation of a complaint

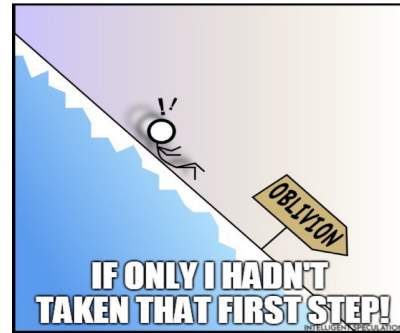
- Poor judgment
- Interpersonal issues
- Cut corners, bend rules, rationalize actions
- Caused harm

# Why refer for remediation

- Departures from the standard of care
- Violations of the state Nursing Practice Act
- Conduct of concern that falls short of frank violations

# Why refer for remediation

Left uncorrected, lesser misdeeds can become normalized and lead to worse conduct (and greater harms) later.



## WHO

# Who has remediation potential?

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# Who has infraction potential?



**EVERYONE**



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# Who has infraction potential?

- Not all nurses who commit infractions are created equal
- Nurses get into trouble in unique ways for unique reasons

# Who has remediation potential?

**THE VAST MAJORITY**

# Who has remediation potential?

- You can tell
  - Investigations: truth, insight, accountability
  - Formal assessments
- Course faculty can tell
  - Participation: drop resistance

# Who might not have remediation potential?

Licensees who show resistance

- Defense mechanisms
- Allowed to misbehave in past
- Personality type or disorder

# Who might not have remediation potential?

Licensees with significant history of trauma

Egregious conduct

- Well-trained investigators
- Outside assessment programs
- Remedial course faculty

## WHEN

# Immediacy matters

- Accelerates improvement in practice
- Reduces the risk of continued or additional wrongdoing prior to remedial intervention
- Increases the impact of regulatory proceedings
- Facilitates change
- Virtual platforms facilitate this

## HOW

# How remedial education works

- Start w/ first contact w/ course provider
- Pre-course assignments
  - Readings
  - Reading post-tests
  - Self-assessment questionnaires
  - “My Story”

# How remedial education works

Expectations of participation

- Pre-course assignments
- Attentiveness and engagement
- Interactive



# How remedial education works

Goals of the course

- Risks and vulnerabilities
- Red flags
- Consequences
- Plan of safeguards
- Professional lapses impact clinical judgment

# How remedial education works

Process orientation

- HOW they acted against their better judgment

# The licensee's perspective

The group process

- Telling their story
- Learning from others' stories

# The licensee's perspective

- *I am now CONSTANTLY thinking about how to improve, how to avoid mistakes and slips and how to pass this information along*
- *I loved the virtual aspect of it which made me pay attention 100% throughout the course by seeing all the participants and the instructor right in front of my eyes at all times*

- *The outcome was transformation of mindset over a span of 3 days, a feat that in itself is staggering in terms of achieving measurable results.*
- *Educational as well as therapeutic and gave me the opportunity to learn from others.*
- *I will be continually modifying and making changes to how I practice.*

## The regulator's perspective

Referral document(s)

# The regulator's perspective

Post-course letter

- “AIR Letter”—accomplishments, impressions, recommendations

# The regulator's perspective

“Successful completion”

- Course ≠ remediation
- Remediation is a process, like lifelong learning

# The regulator's perspective

Longitudinal follow-up

- Continued engagement with the material
- Keeps fresh in their minds
- Monitors compliance with plan
- Decreases professional isolation
- Continued learning from others' mistakes

# The regulator's perspective

What about recidivism?

- Very hard to study well
  - Licenses in multiple states
  - Lag time in reporting to national databases
  - Problems that do not rise to the level of regulatory involvement
  - Secondary recidivism

# The regulator’s perspective

Total	Exclude	Include	Primary Recid (%)	Secondary Recid (%)	Other
	No reason for taking the course	Duplicate record			
322	87	25	210	6 (2.9%)	14 (6.7%)
					28 (13.3%)

# The faculty’s perspective



# The faculty's perspective



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# The faculty's perspective

Participants express

- Guilt, shame
- Remorse
- Fear
- Suicide
- Transformation

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# How to choose a reputable course provider

How to find a course

- Federation of State Medical Boards directory of remedial and assessment programs:  
<https://www.fsmb.org/siteassets/spex/pdfs/remedprog.pdf>
- Ask your peers in other states
- Ask your colleagues in state professional health programs

# How to choose a reputable course provider

- Staff communication training
- Faculty communication training
- Faculty trained to handle
  - Resistance
  - Reticence
  - Cultural constraints on communication



# How to choose a reputable course provider

- Restorative, transformative, not punitive
- Small group (< 15)
- Designated faculty
- Strict confidentiality policy
- Clear criteria for passing
- Course proctor

# How to choose a reputable course provider

- Telling story required
- Interactive, synchronous
- Plan w/ action steps to apply in practice
- Post-course report to regulator

# How to choose a reputable course provider

- Triggers and red flags (in selves and others)
- Appreciating others' perspectives
- Paying attention, reflecting
- Risk factors inherent in nursing
- Personal vulnerabilities
- Burnout, trauma, isolation
- Development of accountability

# How to make a referral

- Call or check course provider website
- Discuss course type if unsure
- Referral document

# How to make a referral

- Post-course letter desired?
- Longitudinal follow-up course desired?

# How to make a referral

## The List Method

- Approved courses
- Approved course providers

# Summary

- What are remedial educational interventions
  - Differ from CE, assessment
- Why nursing regulators would refer
  - Interrupting patterns
- Who has remediation potential, how to tell
- When to make referrals for remedial education
  - Immediacy matters
- How remedial education works

# Questions

*Thank you!*

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