



**Regulation Matters:  
a CLEAR conversation**

## **Episode 73: The What, Why, When, and How of Remedial Educational Interventions January 9, 2024**

**Line Dempsey:** Welcome back to our podcast, Regulation Matters: a CLEAR conversation. Once again, I'm your host, Line Dempsey. I am currently the chief compliance officer with Riccobene Associates Family Dentistry with practices in North Carolina, Virginia, and South Carolina. I've also been a board member and president of CLEAR.

As many of you are aware, the Council on Licensure, Enforcement and Regulation, or CLEAR, is an association of individuals, agencies, and organizations that comprise the international community of professional and occupational regulation. This podcast is an opportunity for you to hear about important topics in our regulatory community.

Today's topic is the What, Why, When, and How of Remedial Education Interventions. One role of regulators is to make appropriate dispositions that adequately address a licensee's or registrant's conduct of concern. Often regulators determine that remedial interventions are necessary or advisable. Our guest today is Catherine Caldicott, Medical Director of PBI Education. Although her frame of reference is health care, remedial educational interventions are available in other professions, such as education and law. Catherine, I'm pleased to discuss this topic with you today. Welcome!

**Catherine Caldicott:** Thank you so much, Line! I am absolutely delighted to be here!

**Line:** That's great! We're happy again to have you. So, let's start with this question to lay the groundwork for this conversation. What do you mean by remedial interventions?

**Catherine:** Sure! Well, remedial interventions can actually take many forms, such as educational courses, coaching, peer assessors, and mentorship. But today I will be talking with you about intensive educational interventions. Even my term, "intensive educational interventions" suggests something different from the kinds of courses licensees take for continuous professional development—whether they're required by a regulator or simply for their own edification. They differ in several ways.

First, continuous professional development courses are typically brief—say an hour or so—or they may be self-guided study online or even public presentations delivered in a conference setting. The kind of courses I’m talking about are taken for the purpose of remediation of a particular conduct of concern. For example, it could be a course in boundaries, ethics and professionalism, or civility and communication. Courses in those topic areas are suitable for licensed professionals in almost every regulated profession. But in health care, there are also remedial courses in prescribing and record keeping. Remedial courses in all these topics are intense and offered in a small group setting. They can span days.

But there’s something else that sets remedial courses apart. Remedial courses are highly personal in that they require truth-telling, the development of insight, and the crafting of a plan of ongoing accountability to prevent recidivism.

Another difference is that most remedial course providers generate a written evaluation of how the participant did in the course. Finally, listeners should know that it is possible to fail a remedial course. Simply attending is not enough. Course participants must do the required work to earn a passing grade.

**Line:** That makes great sense. Why might a licensed professional need intensive remedial interventions?

**Catherine:** Well, you know, sometimes capable professionals exercise poor judgment. They might cut corners or bend the rules or rationalize actions that deep down inside they know might be a little iffy. Left uncorrected, lesser misdeeds have a way of becoming normalized. Most professionals whose conduct has risen to the level of regulatory involvement—including disciplinary action—can be remediated and learn from their mistakes and continue to practice safely in the future.

But here's an important point: When regulators recommend or mandate participation in a remedial course, they typically specify that the licensee should complete the course successfully. But “successful completion” of a remedial course is not the same as completion of remediation, because remediation is a process. In fact, remediation can be thought of like the lifelong learning that professionals commit themselves to. So instead of normalizing bending the rules or cutting corners, it’s the remediation process that becomes normalized—something that keeps professionals practicing safely over their careers. Every licensee—every single one—has the potential for exercising poor judgment and committing a professional infraction. It doesn’t matter how smart or well-trained or accomplished or experienced you are.

**Line:** Can every licensee who has committed some kind of improper conduct be remediated, or are there some who cannot? I think about when we’ve dealt with ethical issues sometimes – you can’t fix ethics, right? But how can regulators tell the difference?

**Catherine:** Those are really great questions. Actually, I think you can fix ethics, and maybe that’s a

topic for another conversation. But in general, the vast majority of licensees who have committed some kind of improper act can be remediated. The exceptions are professionals who have committed egregious misconduct, like those we read about in the newspaper—predators, serial offenders, those who target particularly vulnerable patients or students or clients. Well-trained investigators can uncover important details that can assist regulators in making those determinations. But also, sometimes outside assessment services are necessary to determine a licensee’s remediation potential and risk of recidivism. And if such a licensee slips through the cracks and is sent to a remedial course, the course faculty may hear or see things that raise concerns for a high risk of recidivism. The licensee may not satisfy the criteria for passing the course. Here is where a written evaluation of the licensee’s performance in the course can be extremely valuable to the regulator. In other words, the investigator, an assessment service, and course faculty can serve as a safety net.

**Line:** When in the regulatory process should referral to a remedial course be made?

**Catherine:** We have an expression at PBI Education that “immediacy matters.” Taking the remedial course as soon as possible—ideally within a month or so of the agreed undertaking or order—is preferable for several reasons that I think listeners can well imagine.

First, it accelerates improvements in practice. It also reduces the risk of additional wrongdoing before the remedial education has occurred. It increases the impact of regulatory proceedings, because as the length of time between the infraction and the remedial education increases, the connection between what was done and what needs to change becomes attenuated. And it facilitates change. The longer the delay in remediation, the more entrenched and even solidified the licensee’s resistance becomes. What I mean by resistance is denial of wrongdoing, or other-blaming, or defensiveness, or rationalization. Participants are more receptive to learning and changing when resistant thinking has not had an opportunity to become entrenched.

I do want to add one more thing: Now that most remedial course providers offer their courses through virtual platforms such as Zoom, for example, it should not be difficult to find an available course within a short period of time. Delivery of these courses through a virtual platform works very effectively, as I have experienced myself as a course faculty member, and obviates the need to make arrangements for travel and lodging.

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**Line:** We’ll be back to my conversation with Catherine Caldicott in just a moment. But first, CLEAR would like to thank our podcast episode sponsor. Today’s episode is sponsored by CE Broker, CLEAR’s 23/24 Premiere Education Partner. Transform continuing education management with CE Broker. CE Broker helps streamline processes, digitize records, automate audits, and empower licensees with modern technology. Their cloud-based software easily integrates with any licensing system and has helped over 250 boards save time and resources by adopting a more efficient system needed to ensure all licensees are competent and clear to work. Learn more at [cebroker.com](https://cebroker.com).

Thanks to CE Broker for their support. And now, back to my conversation with Catherine.

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**Line:** So Catherine, how do regulators find the kinds of intensive remedial courses or course providers you are talking about?

**Catherine:** There are many resources out there. One of the most comprehensive is the [directory of remedial and assessment programs maintained by the Federation of State Medical Boards](#) in the US. That's the FSMB. It is easy to find via a Google search or on the FSMB website. If you are going to do a Google search for remedial programs in general, though, you will invariably find programs that assess clinical competence for healthcare licensees or that evaluate licensees for re-entry to practice. Those are not the kinds of intensive remedial educational interventions that I am talking about here.

And you all know that I am the Medical Director for PBI Education, a provider of such intensive courses, but I want to be clear that there are other very reputable providers of remedial courses in the US and Canada that I know of firsthand. In addition to that, some regulators have their own catalogue of courses or maintain a list of individuals who provide one-on-one remedial education. Listeners might ask regulators in their profession from other jurisdictions if they have resources they use and can recommend.

And listeners should feel free to reach out to remedial course providers to get more information, to vet them. Any course provider should be able to share with you the agenda for each of their courses, including learning objectives, topics covered, and criteria for passing the course.

**Line:** That's perfect! How can a regulator identify the right course for a particular licensee, or is it better to have them custom-built each time?

**Catherine:** I don't know that custom-building each time is really necessary, although there might be some situations in which that would seem to fit. But first of all, course providers are happy to discuss particular cases with you (anonymized, of course) and advise you about what topic area is best. So, you can just call them up. For example, sometimes it's not clear whether someone needs a course in boundaries or ethics or professionalism, so talking through the situation with the course provider can help regulators make sure their licensees are getting appropriate education targeted to the infraction.

The other thing is that there are criteria for reputable remedial courses. As I alluded to before, they should be offered in a small group format, which means a maximum class size of about 12-15 participants. Other criteria would be, first, designated faculty who can observe participants' growth and development of insight over the entirety of the course, rather than different faculty teaching different modules in the course curriculum. Also, interactive, synchronous discussion among course participants and faculty is a very important criterion. Also, systems to ensure accountability during the

course regarding attendance, participation, and engagement. And then finally, concrete plans developed by participants themselves to show how what they have learned will help them to improve practice and prevent recidivism.

**Line:** Once a regulator has identified remedial courses, they've found an instructor they like, they want to use this – what's the next step? What do they do?

**Catherine:** Once you have identified some resources, I have a recommendation that comes from our vantage point of reading regulatory orders, agreed undertakings, and other referral documents for more than 20 years. Some regulators use a method that we call the “approved list method.” This is a method of directing their licensees to the appropriate courses that also streamlines administrative processes and hastens licensee compliance. So, what this means is, the regulator compiles a list of courses or course providers they approve of. This would be in contrast to having the licensee identify a course and submit it to the regulator for case-by-case approval.

You can see how providing licensees with a list of approved resources offered by approved third parties can accomplish several very important goals. It saves staff resources by obviating time-consuming case-by-case approvals. It ensures consistent processes. It avoids the appearance of bias by not specifying a single remedial resource or intervention provider. And it hastens compliance of the licensees by simplifying and shortening the process of satisfying the agreed-upon or mandated requirements. Remember: immediacy matters.

What a number of regulators do is to create the list of approved remedial courses or course providers and post it on their websites for their licensees to refer to. It is true that most remedial courses offer continuing education credits, but, as I described at the beginning, that is where the similarity between remedial courses and courses to satisfy continuing education requirements ends. Therefore, it is helpful to list these two different types of courses separately.

And again, since the pandemic, many regulatory interventions, such as coursework and coaching, are available and highly effective when delivered virtually. This fact opens up a world of resources to any regulator around the globe. I am describing the approved list method with the intention that it might benefit regulators and disciplined licensees alike, as well as create new opportunities for inter-professional and international advancement of remedial interventions.

**Line:** In your experience (obviously you've been involved with this for quite some time), do most regulators opt to use that approved list method that you're describing?

**Catherine:** Many of them do, but some prefer to take a more individualized approach to approving educational resources, making their determinations based on the particular merits of a single third-party provider. For these regulators, adopting the approved list method might cause a lost sense of control. I get that. However, using the approved list method still allows regulators to individualize remedial interventions, as particular approved resources would be turned to for cases of a similar

type. In addition to that, regulators may seek guidance on best practices in vetting particular third-party resource providers in venues such as CLEAR annual conferences or the CLEAR Regulatory Network.

**Line:** Excellent! I think this has been a great conversation, and you've really covered the what, why, when, and how of remedial educational interventions. Thank you, Catherine, for speaking with us today.

**Catherine:** Oh, thank you so much as well. The pleasure has been all mine.

**Line:** Absolutely; it definitely has been a pleasure. And we'd love to continue this conversation beyond the podcast. Here are some questions for our listeners to think about:

What kinds of challenges have you encountered with either identifying or using remedial courses for your licensees?

What have you found most helpful in selecting reputable remedial courses or course providers?

We greatly appreciate and thank our members for your feedback. These questions will be posted in CLEAR's Regulatory Network platform for online discussion. If you haven't already joined the CLEAR Regulatory Network, we invite and encourage you to join and take part in the discussions.

I also want to thank our listeners for tuning in for this episode. We'll be back with another episode of Regulation Matters: a CLEAR conversation very soon. If you're new to the CLEAR podcast, please subscribe to us. You can find us on Podbean or any of your favorite podcast services. If you've enjoyed this podcast episode, please leave a rating or comment in the app. Your reviews help us to improve our ranking and make it easier for new listeners to find us. Feel free to visit our website at [www.clearhq.org](http://www.clearhq.org) for additional resources as well as a calendar of upcoming programs and events.

Finally, I'd like to thank our CLEAR staff, specifically Stephanie Thompson, Content Coordinator and editor for our program. Once again, I'm Line Dempsey, and I hope to be speaking to you again very soon.

*The audio version of this podcast episode is available at [https://podcast.clearhq.org/e/remedial\\_interventions/](https://podcast.clearhq.org/e/remedial_interventions/).*