

**BRAD SHERMAN  
REGULATORY CONFERENCE**  
(formerly CARE Conference)  
Compliance and Regulatory Education:  
Best Practices for Athletic Trainer Regulation



## A Framework for Remediating Professional Ethical Lapses

Ajay Gohil, Professional Boundaries, Inc. (PBI) Faculty Member and Former Board Attorney with the Georgia State Attorney General's Office (2000-2007) and Washington D.C. Department of Health (2012-2026)

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### What Is a Professional Ethical Lapse?

- A breakdown in self-regulation
- Not keeping up to date with laws, guidelines, codes, CE requirements
- Not adhering to standards, policies
- Failing to deal with impairment(s)
- Not maintaining professional boundaries
- Practicing outside scope
- Not holding oneself to the higher standard
- Poor judgment
- Interpersonal issues
- Cutting corners, bend rules, rationalize actions
- Causing harm

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### What Is a Professional Ethical Lapse?

- Examples occupy a broad range:
- Angry outburst at work
- Failure to get coverage
- Bullying
- Falsifying a medical record, CV, license application
- Practicing outside scope
- Drug diversion
- Civil or criminal offense
- Sexual impropriety or assault

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### What Is a Professional Ethical Lapse?

- More examples:
- Departures from the standard of care
- Violations of the state Practice Act or state rules
- Record keeping and Documentation violations
- Billing violations
- Unprofessional language, disruptive conduct
- Informed consent violations
- Conflicts of interest
- Dual relationships, including sexual impropriety

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### What Is a Professional Ethical Lapse?

- **Facts about Professional Ethical Lapses and Complaints:**
- Many never rise to the level of regulator attention
- Handled at the institutional level
- Complainants fear retaliation at work, loss of anonymity, may not believe reporting will help
- Many concerning activities occur in private, outside the eyes of those with a professional duty to report
- Complainants may feel shame or fear losing an important Health Care Provider
- Complainants may not be clear that wrongdoing has occurred (Effects of Trauma)
- Cases that rise to regulator attention are often very serious and have likely been preceded by lesser misdeeds

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### Major Enforcement Cases and Disciplinary Actions

- **Recent Enforcement Cases & Disciplinary Actions (Athletic Trainers)**
- **Fernando Escobar (Decatur, Texas):** Issued an emergency license suspension by the Texas Department of Licensing and Regulation (TDLR) in September 2025 after being arrested and charged with indecency with a child by sexual contact and sexual assault of a child.
- **Ryan Palmer (Carthage, Missouri):** A former regional high school athletic trainer facing felony charges filed in mid-2026 for the alleged sexual abuse of student-athletes.
- **Kansas Medical Records Breach:** The Kansas Board of Healing Arts revoked/surrendered the license of an athletic trainer in March 2026 following professional misconduct, dishonesty, and boundary breaches tied to unauthorized access to protected patient medical records.

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## How and Why Do Lapses Occur?

- Novel Conceptual Framework from Professional Boundaries, Inc. (PBI)
- The Ethics Formula®
- Explains how/why/when violations occur
- Predicts the unpredictable and irrational
- Explains susceptibility
- Explains the possibility of shifting from "cold" to "hot" in the presence of a catalyst
- Explains how smart, ethical, law-abiding people are capable of acting unethically and illegally

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## Point #1

- Premise: First Law of Boundaries: Everyone has a violation potential which is dynamic and changes over time (and yet not everyone violates)
- **Why do some violate while others do not? (Some Common Themes?)**  
Age: young/naïve, mid-life crisis, older/complacent, out of touch
- Physical or mental illness, addiction(s)
- Remorseful vs. resistant/defensive
- A one-off vs. a pattern or grooming
- History of previous complaints or discipline

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## Point #1

- Premise: First Law of Boundaries: Everyone has a violation potential which is dynamic and changes over time (and yet not everyone violates)
- **Why do some violate while others do not?**
  - \*Professional risk factors
  - \*Personal vulnerabilities
  - \*Accountability measures
  - \*Resistance (defenses)
  - \*Catalyst

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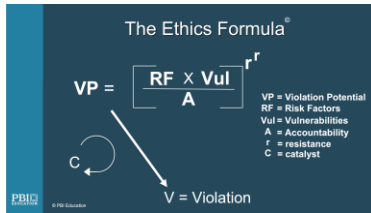
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## The PBI Ethics Formula



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## Risk Factors (RF) – Examples

- Practice type – Hands on?
- Practice location – Urban or Rural?
- Clinical discipline – Mental health?
- Patient population – Suffering from Trauma?
- Isolation—professional, geographic, emotional
- History of prior discipline

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## Vulnerabilities (Vul) - Examples

- Personal problems
- Family issues (health, marriage, transitions)
- Mental health issues
- Addiction(s)—behavioral or chemical
- Unmet needs
- Poor developmental or training experiences w/ boundaries
- History of Trauma, Post-traumatic stress disorder (PTSD)

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### Accountability Measures (A) - Examples

- Supervision/Monitoring
- Peer review
- Adhering to policies, standards, procedures
- Staying up to date with laws, regulations
- Attending CE activities
- Keeping w/in scope of practice
- Respecting professional boundaries
- Chaperones

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### Resistance (r) - Examples

- The inability to fully acknowledge one's professional role
- Rationalization
- Denial
- Other-blaming ("They never taught me this in athletic training school")
- Defensiveness ("Other people do worse and don't get punished")
- Justification ("I was only advocating for my patient")
- Repression
- Intellectualization

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### Catalyst (C) - Examples

- A person who pushes your buttons (i.e., the seductive patient)
- A crisis at home or at work
- Transitions (even happy ones can be destabilizing)
- Trauma
- Losses
- Development of mental illness
- Something that puts the nurse into a "hot" state

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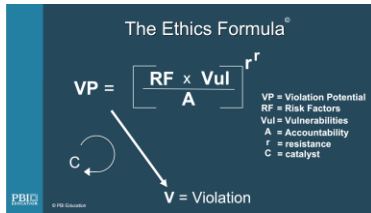
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## The PBI Ethics Formula



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## Point #2

- **Lapses Occur Along a Continuum of Severity**

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## Lapses Along a Continuum

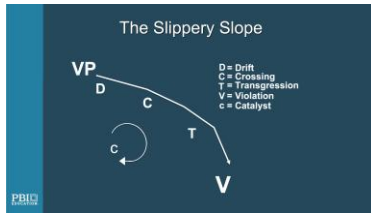
- **Facts about Lapses Along a Continuum:**
  - A spectrum of severity
  - Major violations are usually preceded by smaller misdeeds
  - An ethics or boundary violation is the end point on a continuum of increasing harms to the patient, athletic trainer, and/or the therapeutic relationship
  - An explanation for the patterns you see

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## The Slippery Slope



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## Slippery Slope Continuum

- **Boundary Drift**
- Private thoughts about a patient for the athletic trainer's own pleasure, rather than in the service of patient care (e.g., sexual, romantic, rescue or savior fantasies)

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## Slippery Slope Continuum

- **Boundary Crossing**
- Stepping outside the standard of care, professional role, office policy, typical practices. "I usually don't do this, but in your case ..."

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## Slippery Slope Continuum

- **Boundary Transgression**
- Sharing personal information, intentionally initiating non-clinical contact or relationship

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## Slippery Slope Continuum

- **Boundary Violation**
- Frank exploitation of the trust, knowledge, influence, or emotions derived from the professional relationship

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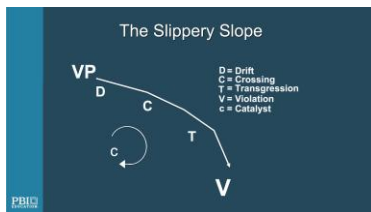
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## The Slippery Slope



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## Case Studies - Examples

- Applying the Formula to Cases

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## Ms. Oak – Sexual Misconduct Boundary Violation

- Ms. Oak is an early career Athletic Trainer who developed an inappropriate texting relationship with a former patient that resulted in sexual encounters.
- RF:
- Early career
- Vul:
- A:
- Not adhering to policies about texting
- Ignorant of standards regarding former patients
- r:
- Rationalization (former vs. current pt)
- Justification (providing support)

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## Mr. Maple – Dual Relationship Boundary Violation

- Mr. Maple is an Athletic Trainer who engages in a friendship with the parent of one of his young patients. The friendship develops into a sexual relationship.
- RF:
- Vul:
- A: Lax rules about avoiding dual relationships
- r: Rationalization ("good for patient care," "two consenting adults")

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### Ms. Palm – Social Media Boundary Violation

- Ms. Palm is an Athletic Trainer who posts private and confidential information regarding a patient on her Instagram stories but says that it was de-identified data and disappeared after 24 hours.
- RF:
- Vul:
- A: Lax rules about using Social Media
- r: Rationalization ("good for marketing and advertising", de-identified, disappeared after 24 hours)
- (Scope of Practice issues can be a Boundary Violations too)

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### Impactful Regulatory Interventions – What can a State Licensing Board Do About Ethical and Professional Boundary Violations?

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### Why refer for remediation

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



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

- \*Educational courses (Professional Boundaries, Ethics, Civility & Communication, Risk Management)
- \*Coaching
- \*Peer assessors
- \*Mentorship

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### Impactful Regulatory Interventions

- Educational Interventions to Improve Professional Conduct
- Guiding clinicians forward as safer professionals.
- **Professional Boundaries, Inc. (PBI) Boundaries Course and also its Ethics Course**  
<https://pbieducation.com/>
- <https://pbieducation.com/courses/>

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### Impactful Regulatory Interventions

- **What a course feels like:**
- Different from usual Continuing Education/Continuing Professional Development
- Intensity
- Duration: 1-3 days (the Professional Boundaries course is 3 full days, Ethics: 1 or 2 days)
- Personal disclosure required (sharing your story with strangers)
- Setting: small group (limited to 15 – different professions, age & geographic diversity)
- One faculty member
- Plan of action developed (written Personal Protection Plan or PPP)
- A concrete plan in writing – Elements apply to ORGANIZATIONAL (work setting), PROFESSIONAL (professional self-presentation), and PERSONAL (attention to personal life)

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### Impactful Regulatory Interventions

- **Live Zoom seminar (virtual = online)** – Used to be in person until the Pandemic
- **Process Orientation** (content warning content only)
- **Intense:** requires introspection and honesty (**sharing story with strangers**)
- **Preceded or accompanied by formal fitness assessment, Alternative to Discipline Program involvement, even therapy**
- **Include formulation of a specific plan to modify risk factors and vulnerabilities and increase accountability measures (Personal Protection Plan or PPP)**
- **A longitudinal (follow-up) component is helpful – Maintaining Accountability With Support Class (MAS class) – (1 hour a week for 12 weeks)**
- **Linear (longitudinal) remediation course or coaching can complement other types of monitoring or coaching (clinical, prescribing, charting, probation, rehabilitation, etc.), as many violators continue to recover and grow over time**

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### Impactful Regulatory Interventions

- **How participants feel at first and then evolve over the phases of the curriculum**
- **Lessened sense of feeling like they are pariahs**
- **Article – “Virtually Daily Grief: Understanding distress in health practitioners involved in a regulatory complaints process”**
- <https://pubmed.ncbi.nlm.nih.gov/37751386/>
- **More conducive to learning**
- **An experience that produces change**

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### How participants feel at first



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## How participants evolve during the course

### The faculty's perspective



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## Impactful Regulatory Interventions

### The Faculty's Perspective

- Participants express:
- Guilt, shame
- Remorse
- Fear
- Suicide
- Transformation

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## Impactful Regulatory Interventions

### When to refer to remedial education

- **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

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### Impactful Regulatory Interventions

- Respond to yellow (caution) or red (warning) flags
- **Timely—Order remediation to begin right away**
- Virtual learning environment facilitates swift remedial intervention
- Titrated to severity
- Avoid simple slaps on the wrist (e.g., fine, online coursework)
- Combine remedial education with other penalties
- 3 Day Boundaries Course Cost: \$1875 for Non-Doctors/Nurses
- 2 Day Ethics & Professionalism Course Cost: \$1875
- 1 Day Ethics & Professionalism Course Cost: \$1450

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### Impactful Regulatory Interventions

- Remediating a lapse in professional conduct is a process of adaptation, re-creation, rehabilitation, and recommitment to the profession and its ideals
- **Taking a course is only a first step**
- An athletic trainer may have completed a course, but they have only just begun the process of remediation and relapse prevention

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### Impactful Regulatory Interventions

- **Course participants should be expected to:**
- Expand their insight into the elements of their situations that led to "hot ethics"
- Confront resistance(s)
- Improve reasoning and judgment by developing accountability measures and safeguards
- Deepen understanding of the dynamics of exploitation (if a boundary violation)
- Face up to the harms they have caused

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### Impactful Regulatory Interventions

- **Positive Change**
- Athletic Trainers with boundary violations should develop these insights:
- Many patients or others who are exploited by athletic trainers have been exploited before
- Understand their own boundary violation potential and the reality that each patient has an exploitation potential

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### How To Make A Referral

- Call or check course provider website
- Discuss course type if unsure
- Referral document
- Letter (e-mail)
- Agreed order, settlement agreement, letter of concern
- Outline your concerns, results of any investigation, previous history with this licensee
- Post-course letter desired? (an Accomplishments, Impressions, and Recommendations Letter (AIR Letter))
- Longitudinal follow-up course desired?
- **PBI Course Referral - <https://pbieducation.com/courses>**
- **[info@PBieducation.com](mailto:info@PBieducation.com) • 904-800-1237**

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For more information, FAQs and updates,  
visit the BOC website at [BOCATC.org](http://BOCATC.org).

**Professional Boundaries, Inc. (PBI) Boundaries  
Course**  
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**Ajay Gohil, JD**  
**PBI Education**  
[ajay.gohil@yahoo.com](mailto:ajay.gohil@yahoo.com)  
**404-433-5777**



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