The Moral Conundrum

Presented by Pat Dolan

KEEPING FOCUS ON THE DUTY TO MAINTAIN NEUTRALITY AND PROVIDE DUE PROCESS IN DEALING WITH THE GOOD, THE BAD AND THE UGLY
Balance the mandate to serve two goals

GOAL TO DETERMINE INITIAL AND CONTINUING COMPETENCE OF LICENSEES IN ACHIEVING THE GOAL OBSERVE THE MANDATE THAT THE INTERESTS OF THE PROFESSION DO NOT OUTWEIGH THE DUTY TO PROTECT THE PUBLIC
Avoid pre-conceived notions in investigating and bringing charges.

Keep in mind that the licensee is entitled to be treated no better, or no worse, than anyone else and that investigations are just as successful when charges not sustained as when sustained.
Focus on the facts and seek the truth

MENTOR AND MONITOR INVESTIGATORS, PEER REVIEWERS AND LEGAL STAFF TO MAKE SURE THAT INVESTIGATIONS SEEK TO DISCOVER THE RELEVANT FACTS INVOLVED IN A CHARGE AND THAT ALL THE EVIDENCE – PROVING OR DISPROVING – THE CHARGES HAS EQUAL VALUE
Establish that the facts support the theory for the charges

Take the time to check that the credible evidence uncovered supports the charges made and expand the scope of the investigation to include exploration of the existence of any evidence that rebuts the charge or mitigates the nature of the conduct.
Determine the elements of the theory and prove their existence by the facts discovered.

Identify each element necessary to prove the theory for the charge and assemble the credible evidence needed to prove each element.
Don’t…
Look, but not see
Listen, but not hear
Conclude, but not voice

Most cases are won in preparation but lost when the rush to get through the presentation comes at the expense of taking the time to present your case and to carefully read, listen and challenge the holes in the opposing case.
Questions...