

 Council on Licensure, Enforcement and Regulation

 2012 Annual Educational Conference - September 6-8
San Francisco, California

Presenters: Anna Wyse, College of Nurses of Ontario
Kevin McCarthy, College of Nurses of Ontario

Promoting Regulatory Excellence

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Session Goals

- Addressing consumer complaints
- Complaints Backlog: key learning
- Innovations for managing complaints + enhancing public confidence
- Dialogue with regulatory colleagues

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Background

- Public Protection and Confidence: the Social Contract
- Define terms: Complaint + Report
- Legislation: *The Regulated Health Professions Act*

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Complaints: a story




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Consumer Complaints: A cautionary tale



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...and they all lived happily every after.



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Once upon a time




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Our Original Approach




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Business Process Redesign

- Incremental change leads to paradigm shift
- Make at least one thing better, not other things worse
- Produce more value for your stakeholders
- Don’t lose sight of your purpose


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iClicker Question:
Do you have a backlog?

- Yes, it is very l o n g
- Yes, but it is manageable
- Not currently, but we have in the past
- No, but employees have large caseloads
- Never

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Business improvements

- Centralize the backlog
- Improve flow of work
- ADR first!
- Increase focus on what’s unique about complaints

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Interventions: a retrospective




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“I just don’t want this to happen to anyone else”: Effective Management of Consumer Complaints


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Intervention: 1.0

- small focused team
- Stickers on files
- Can’t investigate everything. ADR!!!
- Letters to consumers: from the ED, apology for delay, changing process, ADR


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Intervention 2.0

- An even smaller group
- More stickers on files


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Intervention 3.0

- Re-assessed all files
- Criteria for a complaint - if not engaged, why push forward?
- Letter: apologize, changes to legislation, if you wish to continue contact the Board


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Key lessons

- No single right approach
- Acknowledge challenges and apologize
- Attend to feedback from stakeholders
- Greater transparency
- Data review


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The Backlog or The Queue




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What the public say

- Timeliness
- Accountability
- “I just don’t want this to happen to anyone else”


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A letter of complaint

Although this has been a very difficult letter for me to write, as it naturally brings back all the terrifying events of that night, I feel that this last step is very important to complete. I feel strongly that _____ was negligent of her duties as a nurse that night and _____ did confirm this. The purpose of this formal complaint is to do my part to make sure that _____ is made well aware that her conduct as a nurse that night was unprofessional and that her neglect potentially resulted in further risk to my daughter’s life.

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iClicker Question:

Are the stories you hear from the public similar or different?

- That is exactly what we hear
- Close, but they are mostly conciliatory
- Close, but they are looking more for punishment (revoke!)
- No, our complainants only want to tell what happened then move on
- No clear theme from consumers


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What members of the profession say

- “The Shock of Accountability”
- Reflect on performance
 - To improve
 - To meet professional standards
 - Specific and general

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Question

- How have your licensees reflected their professional accountabilites in your process?


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Innovation

(practical strategies)


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Innovation

- Complaints intake (communication)
- Alternative Dispute Resolution (ADR)
- Staff engagement and training
- Timely, adequate and reasonable investigations


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Complaints Intake

- Establish a dedicated complaints intake
- Early contact
- Develop approach and clear message
- Risk Assessment
- A Complaint = 5 point criteria

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Complaints Intake

**COMPLAINTS TEAM
MESSAGE TO COMPLAINANTS CHECKLIST:**

Initial Intake Messages:


The Complaints Process:

- The mandate of this process is the protection of the public.
- The complaint process allows the public an opportunity to express concern with the professional conduct and practice of members. It further allows an opportunity for a nurse to be accountable for her/his actions and to confirm the standards of the profession.
- It is not a process to punish nurses and has no compensation available for any parties involved.
It is not a consultative proceeding (e.g., College information is not admissible)
It is not connected to other regulatory bodies
It is not able to change decisions of other bodies, or any other grievance process.
It is not connected to any investigation at the facility (eg., facility will not have access)
- It is the complainant's responsibility to bring complaint to the College. The College will initiate a complaint to account our services, but the complainant must provide the College with a complaint before the College is able to proceed. The College cannot act without you defining the complaint. Please note that the complaint process is an involved process which requires your on going participation.

What constitutes a Complaint: (What is a filed Complaint?)

- The complaint must be in permanent form (usually letter or email).
- The complaint must have an identified Member(s). (CNO may provide some assistance with identifying a member, based on specific information)

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Complaints Intake

Addressing Complaints at the College of Nurses of Ontario

Process Guide


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ADR

- Legislation - a formal process
- Review of standards
- Reflection
- Terms: Meet with Manager
- Facility resolution


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Meet with Manager

- Evidence informed
- Facilitated reflection
- Stakeholder feedback

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ADR: Meet with Manager


Therapeutic Nurse Client Relationships

As a nurse I am aware that the therapeutic relationship practice standard is at the core of the nurse, client relationship.

When presented with an extremely challenging client, I can be triggered. I will keep this standard in the forefront of my mind as a result of this incident. I have come to recognize my behaviour and will in the future utilize various techniques such as, be aware of my feelings, advance communication with client, take ten steps back, walk away if necessary and utilize other team members for support.

Upon reviewing this standard, I will ensure that my professional behaviour and actions will meet the needs of my client.


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ADR: Facility Resolution

- Systems issues
- Broad accountability + reflection
- Feedback from stakeholders

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Staff Engagement

- On-going training and support
- Clear goals and expectations
- Director: “30 by December 2011”


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How creative are we talking?

- Key is to find the boundaries
 - Legislation
 - Resources
 - Other legal constraints
 - Public perception


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Question

- What innovation has your organization developed that addressed your volume issue and sustained consumer confidence in your processes?

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Effective Management?

Do these processes:

- Protect the public
- Maintain confidence in self-regulation
- Model a principled approach to regulation and the accountability of those regulated

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Evidence of Effectiveness

Qualitative:

- Professionals
- Consumers

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Evidence of Effectiveness

Quantitative:

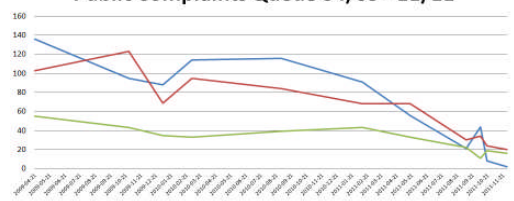
- ADR agreements: 125
 - Meet with Member: 42
 - Facility Resolution: 14
- Complaints to Reports: 47

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BIG FINISH

Public Complaints Queue 04/09 - 11/11



— # of cases in queue
 — oldest by # of weeks from receipt
 — average time in queue by weeks


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Next Steps

- Vigilance
- Stakeholder feedback:
 - Complaints survey
 - Members of the public + profession
 - Tools to support reflection
- LeSage Report for Ontario College of Teachers


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Final Thoughts

- Its not easy to take my problems one at a time when they refuse to get in line. Ashleigh Brilliant
- Experience is that marvelous thing that enables you to recognize a mistake when you make it again. Franklin P. Jones


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Questions



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Speaker Contact Information

- Anna Wyse, Coordinator, Complaints, Professional Conduct, College of Nurses of Ontario, awyse@cnomail.org
- Kevin McCarthy, Manager, Complaints, Professional Conduct, College of Nurses of Ontario, kmccarthy@cnomail.org
- Karen McGovern, Director, Professional Conduct, College of Nurses of Ontario, kmcgovern@cnomail.org

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