



Using Just Culture Principles in Sanctioning Guidelines

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North Carolina Board of Nursing



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### Objectives

1. Recognize the application of Just Culture principles in sanction decisions
2. Identify four (4) benefits of utilizing sanctioning guidelines
3. Gain experience with the use of sanctioning tools

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### Mission

The mission of the North Carolina Board of Nursing is to protect the public by regulating the practice of nursing.

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### Board Composition

Independent Board with 14 members  
Elected: 11 Licensed members  
    8 RNs  
    3 LPNs  
Appointed: 3 Public members  
Funding Source: Primarily licensee fees

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### Area of Opportunity

Determining appropriate sanctions for complaints where violations of law are substantiated can be challenging without a frame of reference.

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### Just Culture Journey

- 2001 Pilot projects with PREP
- 2004 PREP was adopted statewide
- 2005 David Marx presentation
- 2007 Pilot projects with CET
- 2010 CET adopted statewide
- 2010 Sanctioning Guideline Development

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### Cornerstones of Just Culture

- Create a learning culture
- Create an open and fair culture
- Design safe systems
- Manage behavioral choices

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### How We Manage Behaviors

Behavioral Choice	Definition	Recommendation
Human Error	Nurse inadvertently does something other than intended or what should have been done	Console
At-risk Behavior	Nurse makes a behavioral choice that increases risk where risk is not recognized or is mistakenly believed to be justified	Coach and Counsel
Reckless Behavior	Nurse makes the behavioral choice to consciously disregard a substantial and unjustifiable risk.	Punish

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### Guiding Principles in Disciplinary Action

- Public Protection Is Paramount
- Sanctions should be reflective of the misconduct
- Appropriately stringent sanctions are necessary
- Strive for consistency in sanctioning decisions

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## Guideline Development

- Review of other Boards of Nursing
- Review of information available in the Legal Community
- NC Board of Nursing Internal Review

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## Guideline Implementation

- Phase I - Pilot implementation for drug related violations
- Phase II - Implementation of sanctioning guideline tools with senior staff
- Phase III - Full Implementation

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Criteria	Sanctions to Consider
<b>Low</b> Licensee Accepted Full Responsibility Isolated Incident	Reprimand
<b>Moderate</b> Licensee accepted partial responsibility Previous related/relevant discipline at facility level (within past 2-5 yrs.) Past Board action (unrelated to current violations) Additional violations (no patient involvement) Established Pattern of documentation concerns identified (e.g. controlled substances (failure to follow a agency policy))	Intervention Drug Sanction with <del>addictionologist</del> <b>addictionologist</b> Evaluation Probationary License, Drug Screening, Work Performance Reports Factors to Consider: • Diagnosis involving patient not assigned to licensee • CCR signed out to patient • already discharged • presence, reported didn't receive any medication • Previous related discipline at facility level • Refusal to screen • DWI conviction
<b>High</b> Previous relate/relevant discipline at facility level (within past 2 yrs.) Past related Board Action Additional violations (patient involvement) Legally obtained controlled substances/potentially addictive drugs (doctor shopping, prescription fraud/forgery & diversion) Impaired on Duty Altered Program or Intervention Program Conduct Related Criminal Conviction(s) Positive Drug Screen (unaccounted for CCR or Illeg Substance) Refusal to Screen	1 year Suspension Drug Screening Work Performance Reports (outside of nursing) Addictionologist Evaluation Appear before LRP
<b>Highest</b> Substantive Safe Distribution	Voluntary Surrender OR Refer to Executive Director for possible Summary Suspension

Aggravating Factors to Consider:  
 Charge Nurse  
 Would licensee benefit from remedial education?  
 Does the licensee believe remedial education would be beneficial?  
 Does the investigation reveal there is a knowledge deficit that requires remedial education related to public safety?

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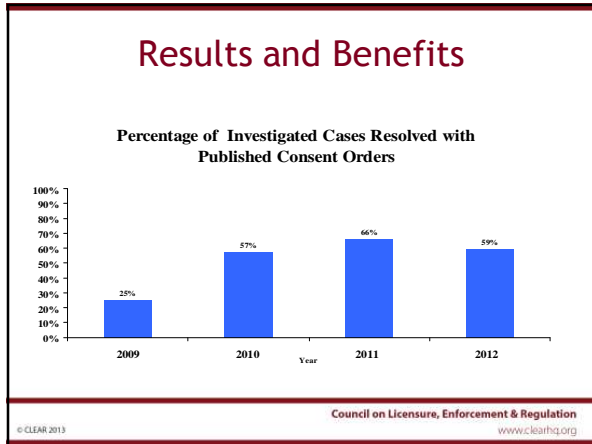
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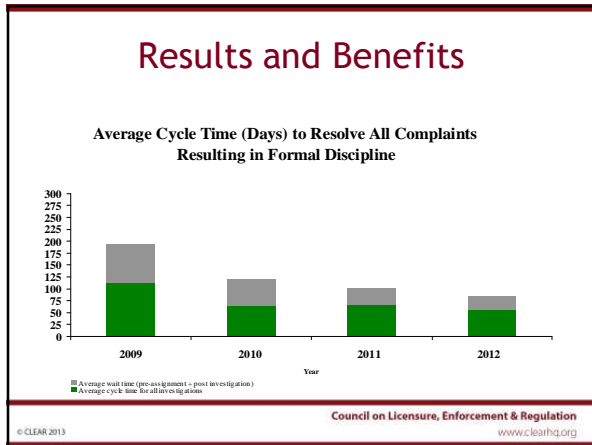
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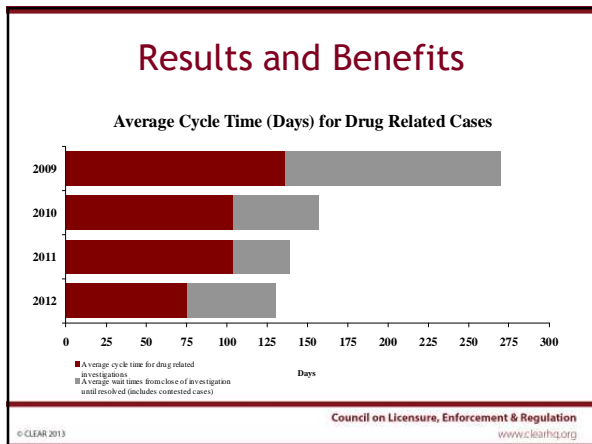
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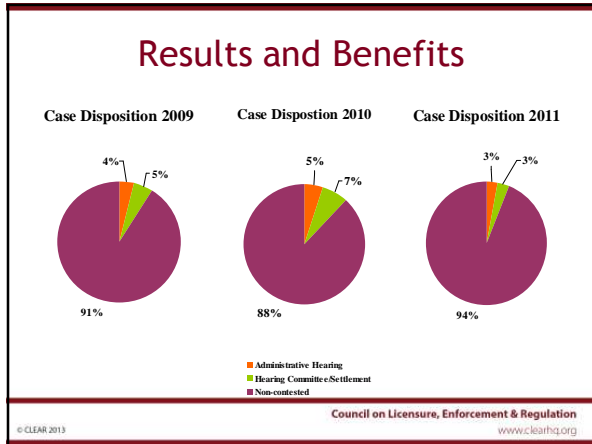
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- ### Summary
- Focuses on managing behavioral choices
  - Increased clarity in decision making
  - Provides consistency
  - Improves efficiency
  - Reduces Costs
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### Questions

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