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Advancing Regulatory Excellence Worldwide

Regulatory Decision Pathway

Strategy for Board Decisions & Remediation

Kathleen Russell, NCSBN

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Power & Duty of Board of Nursing

Via state's police power

Duty to protect the public

- By licensing

- Stopping or limiting the practice of unsafe practitioners

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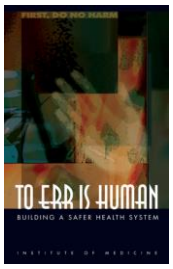
To Err is Human (1999)



98,000 people die in hospitals from preventable medical errors/year

Many errors are either "system-related" or influenced by system and nurse

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How do we analyze errors?

Person Approach
- focuses on the aberrant act

System Approach
- focuses on the cause, rather than the consequence

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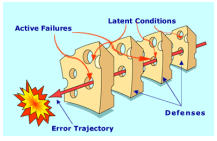
Just Culture



James Reason recommended that a *just culture*, one that draws a line between blameless and blameworthy actions, is an essential early step to creating a safe culture.

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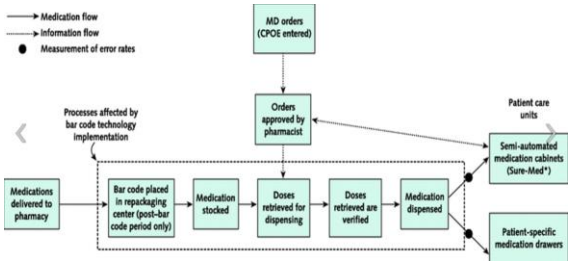
Steps in medication delivery to patient



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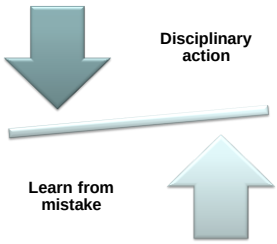
Justice and Fairness



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Systems Approach

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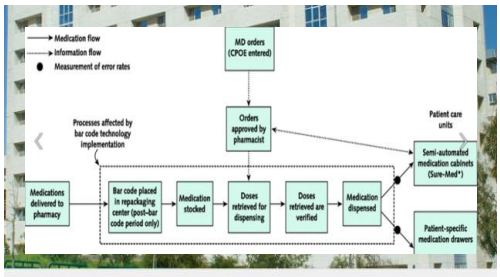
System Accountability



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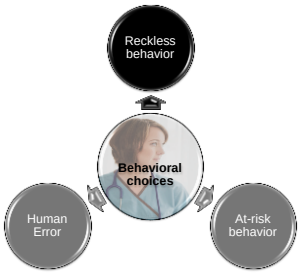
Individual Accountability



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Regulatory Decision Pathway (RDP)

Goals
- protect the public
- incorporate just culture principles
- increase consistency in discipline

Designed for
- Board of Nursing discipline decisions
- cases of practice errors or unprofessional conduct

Focuses on
- patient safety
- whether system failure and/or behavioral choices by the nurse contributed to the error
- remediation of nurses

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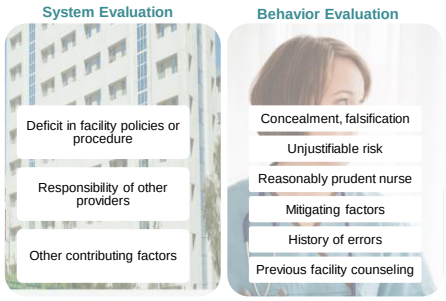
RDP Strategy



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Evaluation of the RDP

Reviewed by 13 BONs, 183 cases

Majority of BONs thought the tool was:

- Clear
- Useful to BON discussions
- Effective in leading to consensus in BON decisions
- Led to conclusions the BON agreed with

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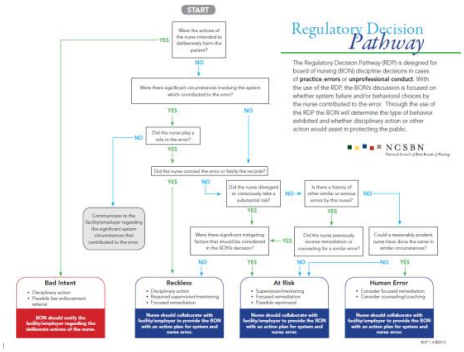

Regulatory Decision Pathway

The Regulatory Decision Pathway (RDP) is designed for board of nursing (BON) discipline decisions in cases of **practice errors** or **unprofessional conduct**. With the use of the RDP, the BON's discussion is focused on whether system failure and/or behavioral choices by the nurse contributed to the error. Through the use of the RDP the BON will determine the type of behavior exhibited and whether disciplinary action or other action would assist in protecting the public.

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Regulatory Decision Pathway
The RDP (originally named Regulatory Action Pathway) was piloted by 13 BONs in 2012. Revisions were made based on BON comments and are included in this version, RDP 1.4.
DIRECTIONS
Start with the question at the top, progressing to other questions based on affirmative or negative answers.
DEFINITIONS
Mitigating Factor
Extenuating, explanatory or justifying fact, situation or circumstance
Reasonably Prudent Nurse
A nurse who uses good judgment in providing care according to accepted standards
Remediation
Education or training to correct a knowledge or skill deficit
Substantial Risk
A significant possibility that an adverse outcome may occur
System
An organization's operational methods, processes or infrastructure/environment
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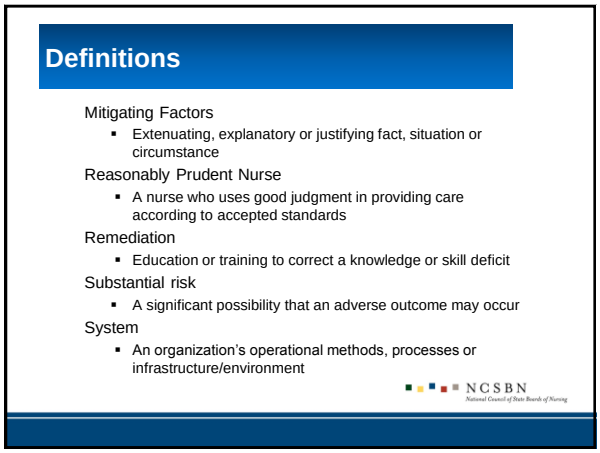
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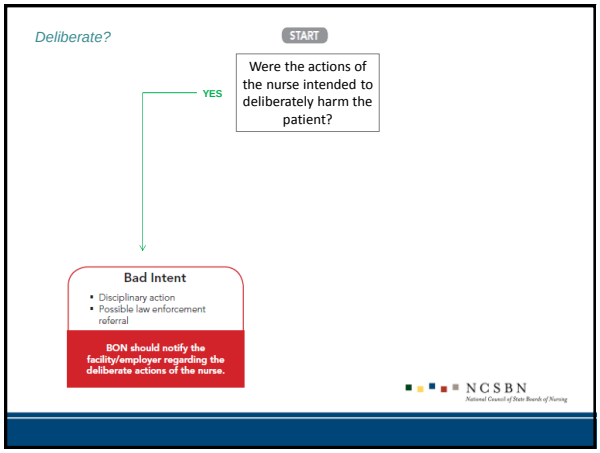
Deliberate?
START
Were the actions of the nurse intended to deliberately harm the patient?
YES
Bad Intent
Disciplinary action
Possible law enforcement referral
BON should notify the facility/employer regarding the deliberate actions of the nurse.
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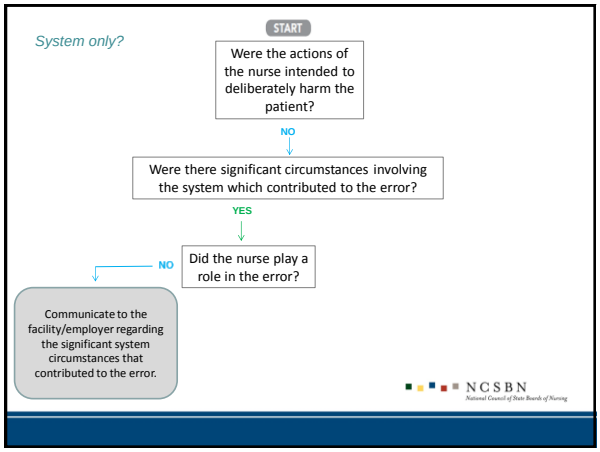
System only?
START
Were the actions of the nurse intended to deliberately harm the patient?
NO
Were there significant circumstances involving the system which contributed to the error?
YES
Did the nurse play a role in the error?
NO
Communicate to the facility/employer regarding the significant system circumstances that contributed to the error.
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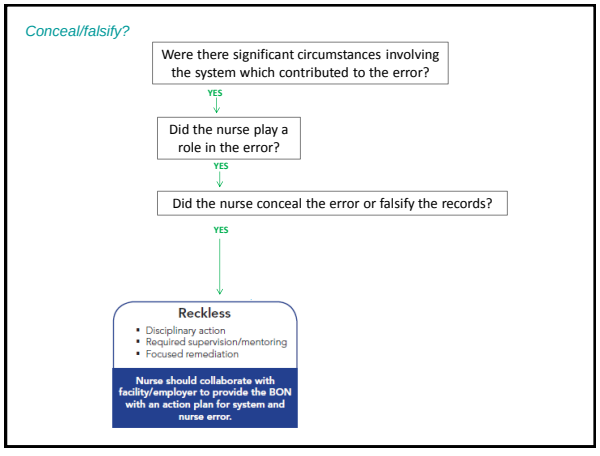
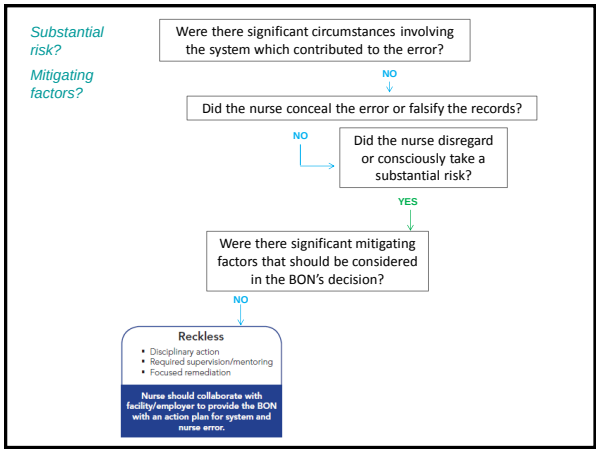
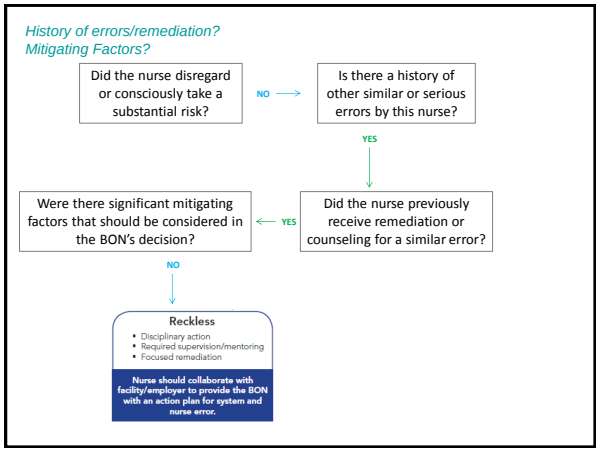
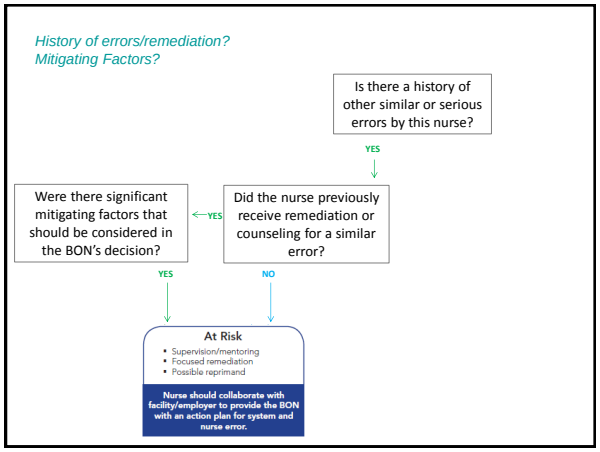
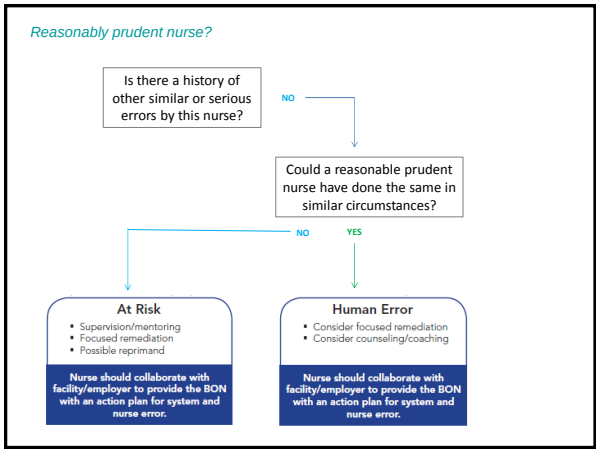

Conceal/falsify?
Were there significant circumstances involving the system which contributed to the error?
YES
Did the nurse play a role in the error?
YES
Did the nurse conceal the error or falsify the records?
YES
Reckless
Disciplinary action
Required supervision/mentoring
Focused remediation
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.


Substantial risk?
Mitigating factors?
Were there significant circumstances involving the system which contributed to the error?
NO
Did the nurse conceal the error or falsify the records?
NO
Did the nurse disregard or consciously take a substantial risk?
YES
Were there significant mitigating factors that should be considered in the BON's decision?
NO
Reckless
Disciplinary action
Required supervision/mentoring
Focused remediation
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.


History of errors/remediation?
Mitigating Factors?
Did the nurse disregard or consciously take a substantial risk?
NO
Is there a history of other similar or serious errors by this nurse?
YES
Were there significant mitigating factors that should be considered in the BON's decision?
YES
Did the nurse previously receive remediation or counseling for a similar error?
NO
Reckless
Disciplinary action
Required supervision/mentoring
Focused remediation
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.


History of errors/remediation?
Mitigating Factors?
Is there a history of other similar or serious errors by this nurse?
YES
Were there significant mitigating factors that should be considered in the BON's decision?
YES
Did the nurse previously receive remediation or counseling for a similar error?
YES
NO
At Risk
Supervision/mentoring
Focused remediation
Possible reprimand
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.


Reasonably prudent nurse?
Is there a history of other similar or serious errors by this nurse?
NO
Could a reasonable prudent nurse have done the same in similar circumstances?
NO
YES
At Risk
Supervision/mentoring
Focused remediation
Possible reprimand
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.
Human Error
Consider focused remediation
Consider counseling/coaching
Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

Collaboration

Human Error

- Consider focused remediation
- Consider counseling/coaching

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

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Case study 1 - Avery

- Avery was administering I.V. fluids and medications and documenting their administration
- Packed cells were ordered
- Someone handed the first unit of packed cells to Avery and said, “Here’s the blood for your patient.”
- Avery administered the packed cells
- That unit of blood was not intended for Avery’s patient

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Case review

Avery's history

- working at the hospital since graduation 2 years ago
- for the past 6 months, working in the ED
- no errors during her employment
- nursing license was unencumbered
- responsive during the BON disciplinary review process
- appreciated the risk of her actions

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Following the RDP, what is your conclusion?

A. **Bad Intent**
- Disciplinary action
- Possible law enforcement referral

BON should notify the facility/employer regarding the deliberate actions of the nurse.

C. **At Risk**
- Supervision/mentoring
- Focused remediation
- Possible reprimand

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

B. **Reckless**
- Disciplinary action
- Required supervision/mentoring
- Focused remediation

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

D. **Human Error**
- Consider focused remediation
- Consider counseling/coaching

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

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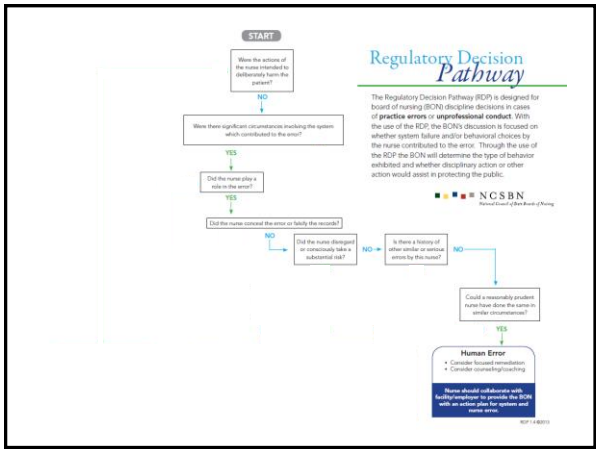

Case study 2 - Sam

- Two units of packed cells were ordered
- Sam could not locate another staff member
- Sam performed a one person verification of transfusion record & bedside verification
- Began the transfusion
- Sam signed the transfusion record and left the cosigner signature area blank

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Case review

Sam's history

- Nurse of 15 years
- Working at this hospital for 1 year
- Reported several times for minor medication errors & once for not following proper procedure regarding documentation
- Nursing license was unencumbered

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Following the RDP, what is your conclusion?

A. **Bad Intent**
- Disciplinary action
- Possible law enforcement referral

BON should notify the facility/employer regarding the deliberate actions of the nurse.

C. **At Risk**
- Supervision/mentoring
- Focused remediation
- Possible reprimand

Nurse should collaborate with facility/employer to provide the BON with an action plan for system and nurse error.

B. **Reckless**
- Disciplinary action
- Required supervision/mentoring
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D. **Human Error**
- Consider focused remediation
- Consider counseling/coaching

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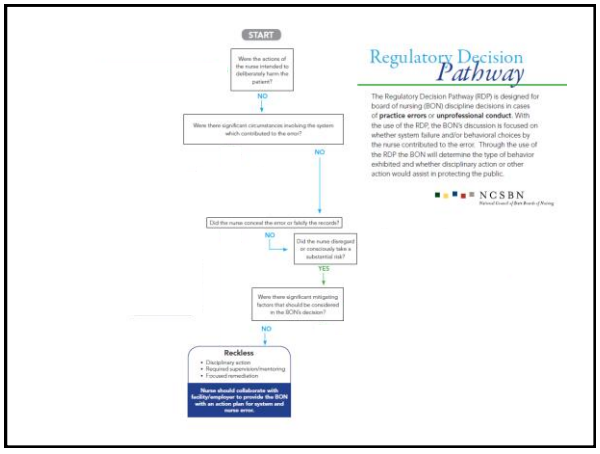

Patient outcome

- Never talked about patient outcome
- The decision should be tailored to each nurse and the actual behavioral choices

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Model of Safety

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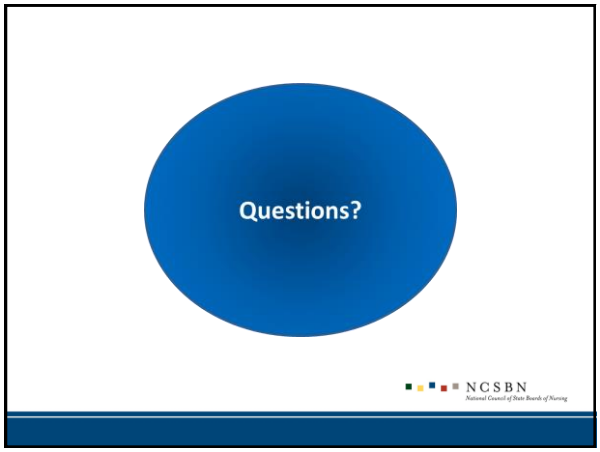
Questions?
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