

Board of Nursing Complaint: One Nurse's Story



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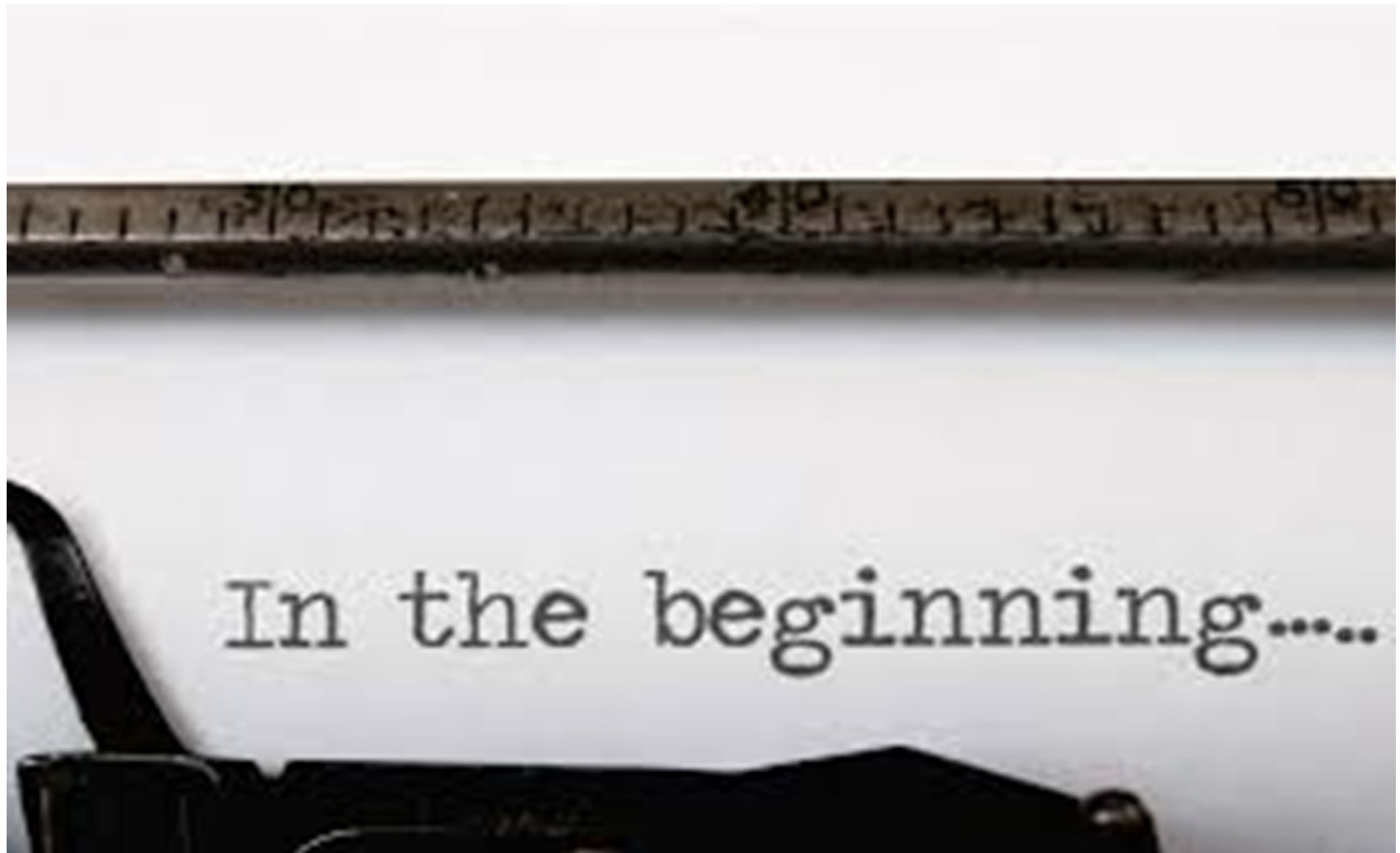
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Objectives

- Explore the lived experience of a nurse facing a board of nursing complaint
- Examine the complaint process
- Analyze use of legal representation
- Investigate professional nurse malpractice insurance
- Review best practices for self care and to reduce stress during a board complaint process
- Sustain self as a professional nurse despite a board complaint



Just a day, February 28, 2014



Decisions, decisions.....



**It's easy
to stand with
the crowd.
It takes
Courage
to stand alone.**



Yet, it happens everyday.....



- Nursing practice is regulated by Nurse Practice Acts (NPA).
- Board of Nursing use the NPA to manage nursing practice. Board members are appointed by State Authority (usually the Governor).
- Misconception: the Boards of Nursing is responsible for protecting nurses
- Few nurses ever consider that they will be involved in a board of nursing complaint.
- In 2013, charges were filed against 7,000 nurses.
- Anyone with concerns about a nurse's practice, including patients, may file a complaint.



COMPLAINT

Process

- ▶ Complaint received by State's Board of Nursing
- ▶ Internal review, does justification exist; does alleged violation violate the NPA?
- ▶ If so, investigation initiated, and nurse notified
- ▶ Investigation: interviews conducted, records subpoenaed, evidence is reviewed to determine if NPA violation exists.
 - ▶ Cases may be dismissed if determined no violation of NPA
 - ▶ If evidence supports potential violation of NPA, disciplinary settlement may be discussed
- ▶ Disciplinary actions taken to the Board for final action
 - ▶ Each case and state Board of Nursing is unique and depending on the complexity and nature of the case, resolution may take several months or years to resolve

Related to discipline, investigations, and complaints. (2016).

Representation or Not?

Benefits of representation

- ▶ Not necessary but important.....nurses are not lawyers & need to be prepared.
- ▶ Need for someone that understands the law & State Nurse Practice Act.
- ▶ I wanted someone to protect my interest.
- ▶ With representation, I didn't feel like I was so alone
- ▶ The only disadvantage—very expensive.



Happy, Humble, Home (n.d.), Hardy, 2014.

Myths about Malpractice Insurance

- Nurses are mistaken in that employers will always cover
- Nurses need for disciplinary defense for licensure protection
- Most complaints against nurses are actually board complaints verses malpractice complaints
- Not all policies are alike....
- To avoid potential financial catastrophe, purchase malpractice insurance
- Nominal price for the protection you get

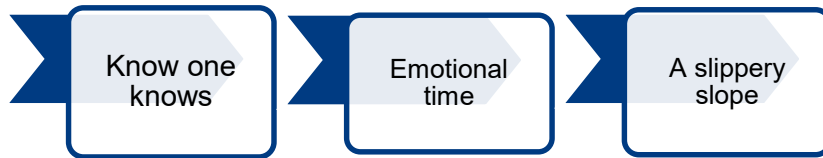
“Every nurse today should carry their own professional liability insurance to protect themselves from the costs of legal and board of nursing action —even if they are covered by their employer.”

- The American Nurses Association

American Nurses Association (2014), Conquist, (2013).



Back to the story....the horror, the shock.....



- The “Not knowing”
- The “Expense”
- Not being able to talk to anyone
- Having to be truthful about investigation
- Not being able to obtain licensure in another state
- Deterrent to applying for other positions
- Felt betrayed by nursing---do I even want to be a nurse?

A turning point...Self Care

- Nurses Retreat 2016
- Instead of running from Nursing, I embraced nursing
- Surrounded myself in service
- Breathing, meditation and walking
- Mindset –did a few ‘things’



Oh the places you'll go



Chapter Leaders



LeAnne Prenovost
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President

Oglesby, 2018



The “Appearance”

The sleeping giant awakens

Settle or appear?

The night before, a sleepless night

The day of—my attorney, my colleagues,
some coffee

Can I live with the decision outcome?



The Decision

On January 26, 2018 the Arizona State Board of Nursing, completed the investigation of the complaint submitted against your client's license. After consideration of the facts, the complaint has been dismissed and the case is officially closed. Should you have any questions regarding this case, please contact Stephanie O'Connell at (602) 551-7777.



Some lessons learned

- Know & operate within your Nurse Practice Act
- Practice with Integrity & maintain professional liability insurance
- Know the importance of YOU, practice self-care & resiliency
- Surround yourself with “winners”
- Recognize work environments that are unhealthy to your personal and professional health AND your nursing license
- Trust your gut, no job is worth your nursing license---jump if necessary!.

- Brown (2015). The Frog in the Mainframe, 2018.



And in the end.....this is MY story but there are other stories



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