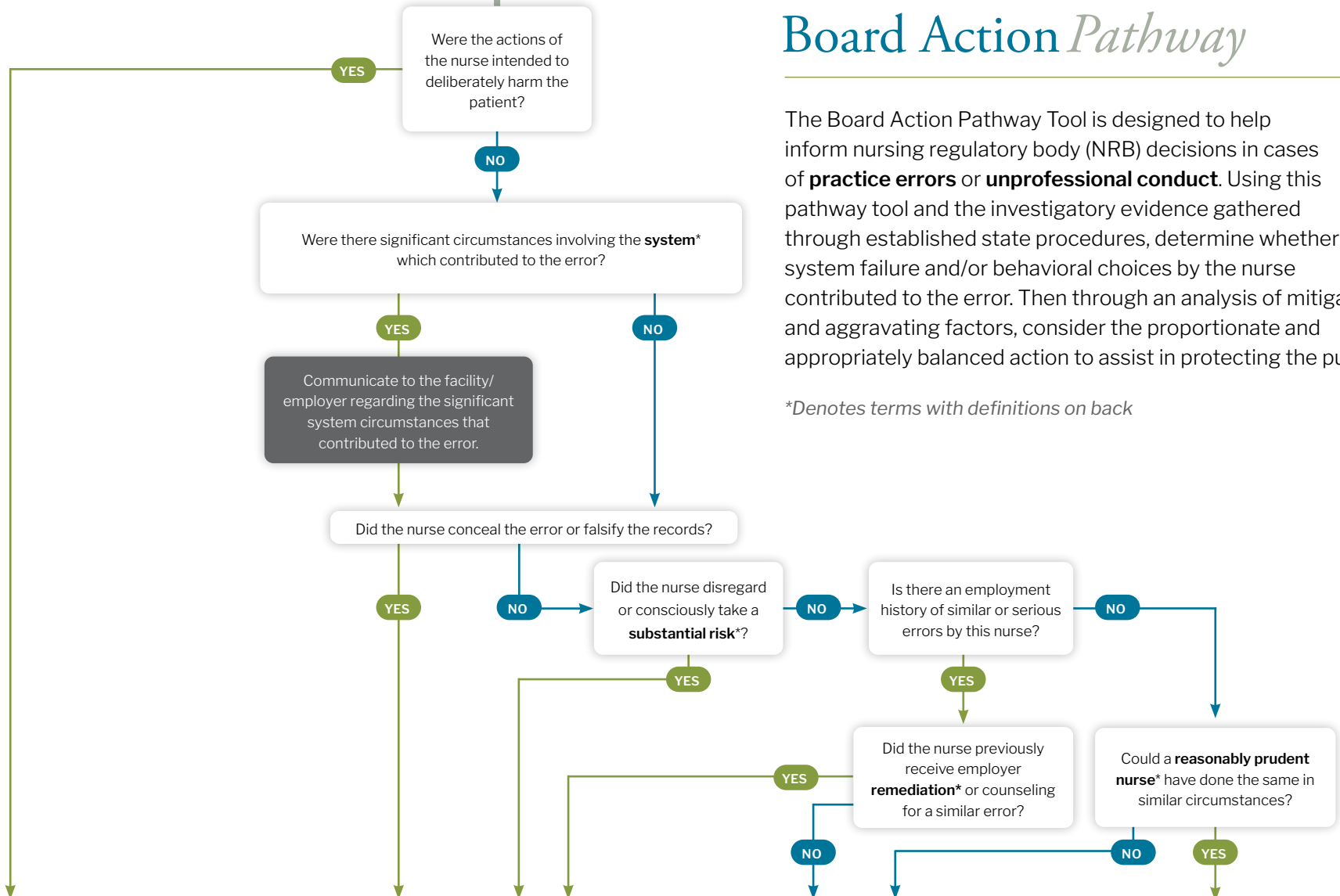


Using the investigatory evidence, answer the questions below:

Board Action Pathway

The Board Action Pathway Tool is designed to help inform nursing regulatory body (NRB) decisions in cases of **practice errors** or **unprofessional conduct**. Using this pathway tool and the investigatory evidence gathered through established state procedures, determine whether system failure and/or behavioral choices by the nurse contributed to the error. Then through an analysis of mitigating and aggravating factors, consider the proportionate and appropriately balanced action to assist in protecting the public.

**Denotes terms with definitions on back*



Bad Intent

Initial action could include a summary suspension.

Final action could include but is not limited to: permanent suspension, revocation or surrender.

Reckless

- Assess **mitigating and aggravating factors*** to determine the proportionate and appropriately balanced NRB action.

Actions could include but are not limited to the following: summary suspension, suspension plus focused remediation and/or conditions, revocation or surrender.

At Risk

- Assess **mitigating and aggravating factors*** to determine the proportionate and appropriately balanced NRB action.

Actions could include but are not limited to the following: focused remediation, reprimand, probation with conditions, alternative to discipline for practice, suspension.

Human Error

- Assess **mitigating and aggravating factors*** to determine the proportionate and appropriately balanced NRB action.

Consider whether no action is warranted or actions could include but are not limited to the following: advisory letter, warning, letter of concern or focused remediation

Process:

1. Examine the investigatory evidence through a series of questions about the behavioral choices by the nurse leading to a determination of error accountability by the nurse (human error, at risk behavior, reckless behavior, or bad intent).
2. Determine the proportionate and appropriately balanced NRB action using the analysis of behavioral choice and aggravating and mitigating factors leading to a decision whether a board action is warranted.

Definitions

Aggravating Factor

Any fact or circumstance that increases the severity or culpability of the act

Factors could include, but are not limited to, the following:

- Knowingly created risk for more than one patient
- Number or frequency of acts of misconduct
- Act committed for personal gain or benefit
- Age, capacity, vulnerability of the patient
- Experience in practice
- Holds leadership/mentor position
- Past facility discipline
- Past NRB complaints, discipline

Mitigating Factor

Extenuating, explanatory or justifying fact, situation or circumstance

Factors could include, but are not limited to, the following:

- Isolated event
- Systems issues, communication breakdown
- Interruptions, chaotic environment
- Policies/procedures lacking or unclear
- No past NRB complaints, discipline
- Acknowledgment of responsibility/accountability

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