



**Nursing Care Quality Assurance Commission (NCQAC)
Discipline Sub-committee Minutes
April 28, 2015 3:30 pm to 5:30 pm
Town Center 2, Room 112
111 Israel Rd SE, Tumwater, WA 98501**

Committee Members: Gene Pingle, BSN-BC, CEN, RN, Chair
Margaret Kelly, LPN
Tracy Rude, LPN
Cass Tang, PMP, Public Member

Excused: Lois Hoell, MS, MBA, RN

Staff: Mary Dale, Discipline Manager
Karl Hoehn, Supervising Staff Attorney
Catherine Woodard, Associate Director of Discipline
Shari Kincy, AA3

I. 3:30 pm Opening — Gene Pingle, Chair

- Call to order – digital recording announcement
- Roll call – Lois Hoell was excused

II. March Minutes – Gene

DECISION: The March minutes were approved by the committee and will be placed in the July Nursing Commission Business meeting packet.

III. Just Culture - Catherine

Catherine gave the committee an update of the flowchart from the North Carolina Nursing Commission to see if the committee would like to pursue the North Carolina Just Culture model.

- Karl gave an explanation of the law that applies to all professions.
- Margaret felt that this was a good tool to use with the tiers of the Sanction Guidelines.
- Gene feels that this could be a tool for new Reviewing Commission Members to use as a guide.

DECISION: The committee decided to table this issue until the next meeting. Mary and Karl will contact Gail Yu for her input on how we could use the tool, and why it could not be used in the Regulatory Action Plan (RAP) pilot. Staff will talk with Margaret Holm on how this could be used by employers.

IV. Non-payment of fines/cost recovery by licensees – Gene/Karl

Karl gave an update of cost recovery and what happens when they end up in collections for non-payment.

- Karl stated that when a cost recovery is sent to collections and is paid, the department only gets about 3 to 5% of the amount.
- Gene feels that this is not a money issue, it is a non-compliance issue but still would like to go after the cost recovery as well as the compliance issue.
- Margaret is interested in requiring a nurse in non-compliance for not paying their cost recovery or fine to perform community service.

DECISION: The committee would like Karl to work with Gail Yu to determine if community service could be used as a condition in place of a fine or cost recovery. The committee agreed to table this discussion until the next meeting.

V. Closure Letters - Gene

Gene went over a suggestion from Karl to revise a portion of the closure letter. He suggested “The commission must use resources carefully and does not investigate every complaint. Complaints are closed as below threshold when allegations in the complaint, if true could be charged as unprofessional conduct but the commission determines that the facts in the complaint are either minor or could best be handled by different agency or the employer.”

DECISION: The committee asked Mary to bring the final letter with these changes to the next meeting.

VI. Disciplinary Actions when a Nurse is Incarcerated - Karl

Karl read the law that says felons must be suspended for the length of their incarceration, including probation. This is not to protect the public but to let them know it is not accepted. It was agreed that making this into a rule is more work than necessary; that a conservative approach is the best way to go.

DECISION: Staff attorneys will include this information in their legal reviews.

VII. Case Disposition Panel – Gene/Mary

Mary went over the statistics prior to and during the pilot.

- Members would like at least one evening meeting.
- They miss not having the feedback or being able to listen to other cases.
- Staff would like the evening meetings to be from 5 to 7 pm.

DECISION: Mary will send out an email to poll the commission members about dates and times. This will go on the next meeting agenda along with the draft procedure for a final recommendation.

VIII. Investigator Report - Catherine

Catherine gave the quarterly report for January through March 2015.

- 133 cases were reviewed at CMT and 44 were opened for investigation
- 85% of the investigations were completed within timelines
- 13% were opened beyond 170 days
- 0% were opened for over a year

IX. Verbal abuse/Communication Issues – Gene/Karl

Karl gave some clarification to what is actually abuse. The committee reviewed the procedure A06 Review of Reports, and changes were suggested.

DECISION: Mary will draft changes and bring them to the next meeting.

X. Discipline Best Practices from CORE report– Mary

Mary reviewed the list of Wisdom Statements and Procedures.

- Mary will be attending the NCSBN Discipline conference and would like to go back over this once she returns to see what NCSBN has to offer during their presentation

DECISION: The committee would like to table this discussion until the June meeting. Mary will define what categories the statements fall into such as legislation, policy/procedure or something else.

XI. Nurse Licensing Compact (NLC) (added item) – Cass

Several staff and commission members met with the Executive Director of the Montana Board of Nursing, where the NLC was just passed by their legislature. Cass gave an update on the discussion with Montana staff. This item will continue to be discussed

XII. Performance Measures – Tracy

Tracy went over the performance measures.

- The results are what the committee thought they would be with the transfer of legal staff
- The trend for April should be back to where they usually are
- Karl went over the measures for legal and the impact of the ER program.

DECISION: Mary will put the ER rules/procedure on the next meeting agenda. Karl will meet with Paula to go over this issue.

XIII. Work Plan – Gene

Gene went through the Work Plan.

- Gene is still working on the newsletter article
- Next update for investigative report - July
- ER Program Review - September
- Case Disposition – next meeting
- Closure Letters – next meeting
- ER Rules/procedure – next meeting

XIV. Closing: 5:35 p.m.