

**Arizona State Board of Nursing
Policy and Procedure**

POLICY NAME: Education Department - Triage and Investigative Guidelines

EFFECTIVE DATE: March 23, 2018

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Signature

CANCELLATION DATE

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| <input type="checkbox"/> Administration | <input type="checkbox"/> Hearing | <input type="checkbox"/> Monitoring |
| <input type="checkbox"/> CANDO | <input type="checkbox"/> Information Technology | <input type="checkbox"/> Multi-state Licensure |
| <input checked="" type="checkbox"/> Education | <input type="checkbox"/> Investigations | |
| <input type="checkbox"/> Fiscal Services | <input type="checkbox"/> Licensing | |
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Purpose:

To provide criteria and guidelines for complaint investigations related to nursing education programs. To support quality and safety of nursing education programs in Arizona.

Policy: The mission of the Arizona State Board of Nursing (“Board”) is to protect and promote the welfare of the public by ensuring that each person holding a nursing license or certificate is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. The mission, derived from the Nurse Practice Act, supersedes the interest of any individual, the nursing profession, or any special interest group. In fulfilling the mission, Board staff investigate complaints and allegations of violations of the Arizona Nurse Practice Act (“NPA”).

It is the policy of Board to initiate and complete the investigation of complaints received against Education Programs within an overall average of 180 days from receipt of the complaint.

The following guidelines have been developed to maximize the Board’s resources in an effort to focus on conduct and practice that present risk to harm or negatively impact student, patient, or public safety. These guidelines are not intended for cases that are complex and are not intended to substitute for Board decision-making.

INVESTIGATION PROCESS:

Initial Triage Interview:

When a complaint is received, the education consultant may interview the complainant. Initial interview questions may include:

1. Describe what the individual or school did or may have done wrong?
2. If a potential violation of the NPA is identified, ask questions to determine what facts support the violation?
3. If known, identify what program policy or law was violated?
4. If known, what is the policy of the program regarding the allegations in this complaint?
5. If applicable, has the complainant discussed the issue with the program?

6. If applicable, has the complainant followed the program grievance process?
 - If the education consultant's initial triage of the complaint/allegation reflects a potential violation of the NPA, a complaint investigation will be opened unless the allegations fall within the Do Not Open criteria, below.

The following criteria may be used in cases that are not complex, and do not involve multiple complaints or patterns of conduct. Board staff retains discretion to assess cases as to which options are appropriate, and whether the cases require Board review.

Do Not Open or Case Disposition Criteria:

Allegations that Board staff may not open investigation, as "do not open", or may be closed by Board staff through "case dispositions," without presenting the case for consideration to the Board:

1. Complaints/allegations that, if true, would not constitute a violation of the NPA.
2. Complaints that do not include sufficient information to perform an investigation, and after reasonable efforts, sufficient information cannot be obtained or complainants/ witnesses cannot be located.
3. Complaints regarding minor or isolated educational issues, that do not involve potential harm to the student, patient, or the public. For example: grade disputes or student/faculty discipline, allegations that do not involve violations of educational standards, and for which there is no additional information that constitutes a violation of the NPA.
4. One time or limited failure(s) to follow a program policy that does not jeopardize instruction, student safety, or patient/public safety.

Summary Letter of Concern Criteria:

1. One time pass rates violation for Nursing Assistant programs involving failure to meet first time pass rates, as required in Rule 4-19-801(E).
2. One time annual first time pass rate on NCLEX exam below 75%.
3. One time employment of an unqualified instructor or coordinator for a time-limited period if the employment ceased when the program administrator became aware of the lack of qualifications.
4. One time employment of an instructor or coordinator who lacks an Arizona license or multi-state privilege for a time-limited period if the employment ceased when the program administrator became aware of lack of licensure or the instructor or coordinator immediately obtained licensure upon discovery of the lack of licensure.
5. One time or limited failure to meet a submission deadline, by less than 30 days, of an application or document(s) required by the Board.
6. Allegations of unfair treatment of a student, for which the Board has confirmed that an independent state or federal agency completed an investigation and was unable to substantiate the allegations.
7. Allegations that are minor, do not involve potential harm to students, patients, or the public, and have been subsequently remedied by the program. Examples include personality disputes, minor verbal disagreements, or rudeness.

GENERAL INVESTIGATIVE STAGES

PHASE I (30 Days)*	PHASE II (90 Days)*	PHASE III (60 Days)*
<p align="center"><i>Complaint Receipt, Assignment, & Notification</i></p>	<p align="center"><i>Investigative Interviews, Document Assessment, & Case Analysis</i></p>	<p align="center"><i>Investigative Report Preparation, Review & Submission to Board</i></p>
<p><u>Within 10 calendar days</u> Opening of case file Triage, case assignment, & risk assessment</p>	<p>Continue to obtain/subpoena documents pertinent to investigation</p>	<p>Contact program director to schedule in person or telephone interview to review investigative findings and provide opportunity to respond or explain information. Explain Board process and possible outcomes including recommended Board option. Consider pre-Board settlement CA (if appropriate).</p>
<p><u>Within 30 days</u> Send Respondent written summary of complaint and request written response. Check license of any involved faculty or the director Initial subpoenas of documents (e.g. evaluations, curriculum materials, tests) or obtain publically available documents. Review program file and past history. Schedule interviews</p>	<p>Interview program director to review complaint/allegations, explain investigative process, obtain statements, and respond to questions (Note: Respondent interviews should be in person unless extenuating circumstances) Schedule/complete interviews of complainant/victim, witnesses, supervisors, students and classroom observation if the complaint involves teaching effectiveness. Consider holding interviews in the Board offices. All witnesses, including students, should be interviewed individually for complaints. If an inspection is to be done a Notice of Inspection form should be presented to the program administrator for signature with a copy to them and one in the file The report of that inspection needs to be provided to the program within 30 days of an inspection or observation Apply critical thinking & analysis of case file including all documents and past reports, self-studies and program policies. Identify need to obtain additional records or witness interviews, including re-interviews based upon information to date</p>	<p>Research and draft standards of care/education and scopes of practice statements. Identify findings of fact and applicable statute/rule violations based upon identified evidence identified during the investigation. Draft board options; If Board disciplinary action is an option, obtain legal review and provide respondent with notice. Submit IR for peer review within the Education department—if any questions, AD will ask Executive team for review. Incorporate as appropriate, suggestions and recommendations from peer/executive review Notify program and complainant of case on Board Agenda and opportunity to address Board. Notify program ten days before the applicable Board meeting of the right to receive a copy of the investigative report.</p>