



Georgia

Board of Nursing

Complaint and Discipline Process



Objectives

Objectives

- Review the Georgia Board of Nursing and its statutory mission
- Summarize the function and powers of the Board
- Review the complaint and investigative process
- Review the discipline and compliance process
- Review information about the Board's caseload
- Review the mandatory reporting requirements



Board Overview

- The Board was created by legislative action on August 22, 1907
- The Board is currently comprised of thirteen members
- Board members are appointed by the Governor and may serve two three year terms



Board Overview

The Board exists to protect, promote, and preserve the public health, safety, and welfare through legislative regulation and control of registered professional nursing and licensed practical nursing education and practice.



Board Overview

Currently, the Board's work includes the regulation of:

- 123,810 Registered Nurses
- 34,683 Licensed Practical Nurses
- 11,547 Advanced Practice Registered Nurses
- 80 Nursing Education Programs



Board Overview

- The Board receives administrative support from the Office of Secretary of State Professional Licensing Boards Division (“PLBD”)
- 39 Boards supported by PLBD
- The Board has no dedicated budget and all services provided to licensees come from the PLBD



Board Overview

- The Board meets monthly
- Investigative Committees meet twice monthly
- Advisory committees meet quarterly:
APRN Committee, Education
Committee, Practice Committee



Board Overview

- The Board enforces the Nurse Practice Act
- Promulgates rules and regulations regarding the practice of nursing
- Regulates nursing education programs leading to initial licensure



Board Overview

Board Website – www.sos.ga.gov/plb/nursing

Board Information

Education and Exam

Licensure

Laws, Rules and Policies

Other Information

Online Complaints

Substance Abuse Information

Self Report Information

Annual Report Information



Complaints and Reporting

- Complaints may be submitted by mail, email or using the online complaint portal on the Board’s website at www.sos.ga.gov/plb/nursing.
- Complaints are triaged according to Board guidelines
 - May be referred to Investigations
 - Staff may request additional information
- Case files are reviewed by legal/disciplinary nurse consultants and a recommendation is forwarded to the Board.



Investigation Process

- Investigators report to the Office of Inspector General and are responsible for cases from 39 professional licensing boards, election cases, corporation cases and security cases.
- The Georgia Board of Nursing has three investigators who primarily conduct nursing investigations.
- As of December 31, 2016 the Board had 278 cases with the Office of Inspector General.
- Investigative files are reviewed by legal/disciplinary nurse consultants and a recommendation is forwarded to the Board.



Discipline Process

- Cases are reviewed by the Board
 - The Board may take the following actions:
 - Close the case with no action
 - Close the case with a letter of concern
 - Close the case with a mitigating letter
 - Issue a private reprimand
 - Fine
 - Remedial courses
 - Monitoring
 - License limitations



Discipline Process

- Cases are reviewed by the Board
 - The Board may take the following actions:
 - Issue a public reprimand
 - Fine
 - Remedial courses
 - Monitoring
 - Probation
 - License limitations
 - Suspend the license
 - Revoke the license



Discipline Process

- If the licensee does not agree to the terms of the Board's order, a disciplinary hearing is held.
- Hearings may be heard in front of an administrative law judge or in front of the Board.
- After the conclusion of the hearing, the licensee may ask for a review of the decision. The next avenue of appeal is in superior court.



Compliance Process

- A disciplinary order from the Board typically requires compliance with certain requirements:
 - Fine
 - Remedial Courses
 - Quarterly Reports
 - Employer
 - Personal
 - Aftercare
 - Random drug screens
 - Psychotherapy
 - Medication Management



Compliance Process

- Licensees are given a review form and provided an opportunity to discuss any questions with compliance staff.
- Licensees are notified of violations by certified mail.
- Licensees who do not come into compliance are referred to the Board with a recommendation of indefinite suspension.



Complaint Types

Complaint Types	
Action in Another Jurisdiction	Imposter
Arrest / Conviction	Malpractice
Drug Diversion / Impairment	Patient Abandonment
Drug Diversion	Patient Abuse
DUI	Practicing Beyond Scope
Fraud	Substandard Care
Impairment	Unprofessional Conduct



Complaint Statistics

Complaint Statistics		
Fiscal Year	Complaints Received	Percent Increase/Decrease
FY2014	986	-
FY2015	1,759	78.4% +
FY2016	1,844	4.8% +



Complaint Statistics

Average Number of Days from Receipt to Resolution

FY2015	546
FY2016	427



Mandatory Reporting

What is Mandatory Reporting?

Mandatory Reporting is part of the Nurse Practice Act enacted by HB 315 during the 2013 legislative session. The law requires certain individuals and entities to report violations of the Nurse Practice Act to the Georgia Board of Nursing.

The legislation passed in 2013 but no funding was appropriated and the law did not become effective at that time. During the 2014 legislative session, the Board and other stakeholders worked together to seek specific funding for the mandatory reporting law. As a result, the General Assembly identified funding and the mandatory reporting law became a reality on July 1, 2014.



Mandatory Reporting

What does mandatory reporting have to do with public safety?



Mandatory Reporting

Before Mandatory Reporting Requirements

Facility 1

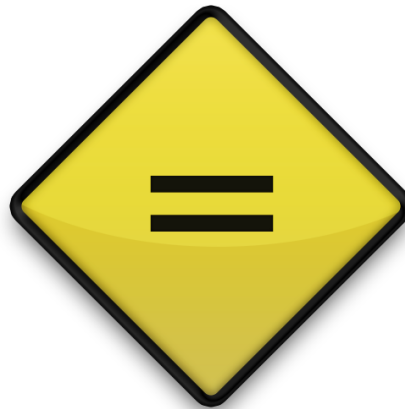




Mandatory Reporting

Before Mandatory Reporting Requirements

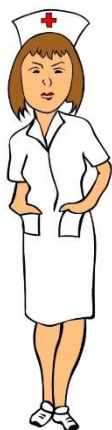
**SEVERE
VIOLATOR**



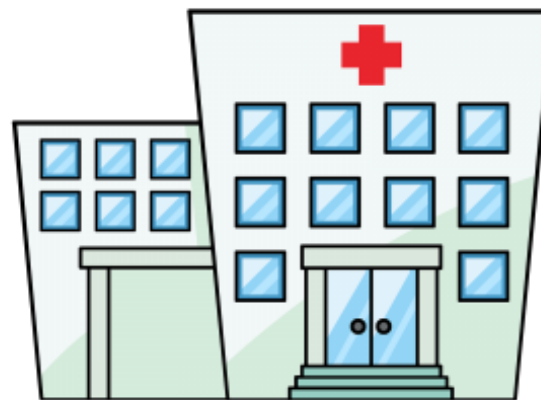


Mandatory Reporting

Before Mandatory Reporting Requirements



Facility 2





Mandatory Reporting

Who is required to report?

Any nurse (Including nurse administrators, nurse supervisors, nursing colleagues or other nurses) is required to report the name of any nurse (licensed practical nurse, registered nurse or advanced practice registered nurse) if there is reasonable cause to believe that the other nurse has violated any of the grounds for discipline provided in the Nurse Practice Act (O.C.G.A. 43-26-53).



Mandatory Reporting

Are there any exceptions?

The law provides one exception: A licensed health care professional is not required to report a nurse to the Board under this code section as a result of professional knowledge obtained in the course of the health care professional-patient relationship when the nurse is a patient.



Mandatory Reporting

Are employers required to report?

Any employer of nurses (licensed practical nurses, registered nurses or advanced practice registered nurses) is required to report the name of any nurse whose employment has been terminated or who has resigned in order to avoid termination for any reasons provided in the Nurse Practice Act (O.C.G.A. 43-26-53).



Mandatory Reporting

Are other regulatory bodies required to report?

Any state agency that licenses, registers, or certifies hospitals, nursing homes, home health agencies, or other types of health care facilities, or surveys one of these facilities or agencies, must report to the Board when the agency has evidence that a nurse has violated any of the provisions of the Nurse Practice Act (O.C.G.A. 43-26-53).



Mandatory Reporting

What types of violations have to be reported?

- 1) Practicing nursing as a registered nurse, an advanced practice registered nurse, or a licensed practical nurse, without a valid, current license;
- 2) Practicing nursing as a registered nurse, an advanced practice registered nurse, or a licensed practical nurse under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued;



Mandatory Reporting

3) Practicing nursing as a registered nurse, an advanced practice registered nurse, or a licensed practical nurse during the time the applicable license is suspended, revoked, surrendered, or lapsed (administratively revoked) for failure to renew;

4) Using any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered nurse, an advanced practice registered nurse, or a licensed practical nurse unless such person is duly licensed or recognized by the Georgia Board of Nursing to practice as such under the provisions of Nurse Practice Act;



Mandatory Reporting

- 5) Fraudulently furnishing a license to practice nursing as a registered nurse, an advanced practice registered nurse, or a licensed practical nurse;

- 6) Knowingly aiding or abetting any person in violating the Nurse Practice Act;



Mandatory Reporting

- 7) Conviction of any felony, crime involving moral turpitude, or crime violating a federal or state law relating to controlled substances or dangerous drugs in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to the charge; or

- 8) Currently or previously displaying an inability to practice nursing as a registered nurse, an advanced practice registered nurse, a licensed undergraduate nurse, or a licensed practical nurse with reasonable skill and safety due to use of alcohol, drugs, narcotics, or chemicals.



Mandatory Reporting

What does not have to be reported?

This list is for guidance only and is not all inclusive of non-reportable events.

- 1) No call-no show
- 2) Failure to complete a resignation notice or abrupt termination
- 3) Refusal to accept an assignment
- 4) Rudeness or non-threatening verbal interactions with patient or staff



Mandatory Reporting

- 5) "Nodding" or momentary unintentional falling asleep, unless this is a pattern of behavior, or results in patient neglect or risk
- 6) Falsification of employment application (except when falsification relates to licensure status)
- 7) Failure to follow agency policy (unless there is ALSO a violation of the Nursing Practice Act)
- 8) Information related to mental or physical conditions of a nurse, obtained while providing care for the nurse (protected information)



Mandatory Reporting

9) Systems Issues, including but not limited to:

- Malfunctioning equipment
- Staffing/work hour issues
- Physician/nurse communication barriers
- Outdated policies/procedures (does not reflect current evidence based practice)
- Inappropriate assignment practices



Board Resources

Other Recent Regulatory Innovations:

- NURSYS (www.nursys.com)
- e-Notify (www.nursys.com)
- *The Georgian Nurse* (www.sos.ga.gov/plb/nursing)
- Imposter Alert Website (www.sos.ga.gov/plb/nursing)
- Affinity eHealth