Navigating Investigations Through Effective Triage Processes

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Overview: CORE Discipline Subcommittee
Review “investigative wisdom”
Pinpoint 3 primary stages of complaint investigation process
Discuss effective complaint receipt & triage practices
Commitment to Ongoing Regulatory Excellence (CORE)

- Validate promising practices: Discipline
  - Several focus groups: identified need for investigation & discipline resources
  - Subcommittee selected 10 states identified as high performing in area of discipline
Discipline subcommittee

Mary Blubaugh (KS)
Barbara Damchik-Dykes (MN)
Tony Diggs (TX)
Lisa Ferguson-Ramos (OH)
Lisa Griffitts (OK)

* Lindsey Erickson (NCSBN)

Eric Holsapple (IA)
Chris Sansom (NV)
Lori Scheidt (MO)
Valerie Smith (AZ)
Mary Trentham (AR)

* Joey Ridenour (AZ) CORE
Create an adoption plan for effective practices in the area of discipline member boards can utilize to improve performance in overall discipline practices.
Why is this work important?

- Public protection is served by conducting complaint investigations in a systematic, timely & unbiased manner.
- Investigative evidence obtained guides decision-making & appropriate case resolutions.
- Resources are limited - essential to use efficiently & effectively.
True or false?

Investigations & discipline is the largest expenditure for most if not all boards?
Twenty states provided discipline budget information in 2013 NCSBN Member Profiles totaling:

$57,503,222

Average spent on investigations per board:

$2,875,161
Collective wisdom investigative experts

- Examine new regulatory evidence & explore new practices while remaining focused on public protection
- Guidelines & thresholds for opening cases enables focus on high risk/harm cases
- Timely complaint resolution & right outcomes enhances public protection
Collective wisdom: Investigator competence

- Discipline work is complex, not easily learned
- Often takes newly hired investigative staff 12 - 18 months to learn essential competencies
- Right investigative outcomes depend upon investigator being able to:
  - Identify & collect information/evidence
  - Effectively communicate: verbal & written
Collective wisdom investigative experts

- Individuals involved in complaint process not always truthful. Information must be collaborated (evidence)
- Complaint outcomes should focus on identifying deficits/causation & tools to remediate
- Individuals who demonstrate insight & accountability more likely to benefit from remediation
- Types of complaints & complexity has increased
  - Multifaceted complaints take longer & require competent investigators & decision-makers
Three major stages in discipline process

1. Triage/Case Assignment
2. Investigation
3. Resolution
Complaint triage & case assignment effective practices

- Create thresholds for opening/assigning complaint investigation
  - Focus upon complaints representing potential higher risk to public safety
- Generate clear guidelines & policies outlining the complaint intake decision-making process
Complaint triage & case assignment effective practices

- Standardize online complaint form & instructions
  - Respondent identification & contact information
  - Respondent employment information/status
  - Guided narrative (who, what, when, where, why, how)
  - Patient identifying information
  - Witness(s) identification/contact information
  - Complainant contact information
Benefits of standardized complaint intake process & form

- Informs the complainant of information needed
- Promotes consistent reporting of vital information
- Facilitates ability to timely assess risk/harm & assign priority status
- Simplifies ability to assign complaint to investigator with expertise
Complaint triage & case assignment effective practices

- Designate primary person accountable for receipt, review, & assignment
  - First – ascertain jurisdiction
  - Second – does case meet criteria/threshold for opening/assigning?
- Assign case priority/risk level
  - Based upon the received initial information
  - Risk may change as new information received
  - Delegate authority to investigator to modify as new information is understood
Priority I examples: High risk & high harm

- Substantial & significant emotional, physical, financial abuse
- Sexual misconduct involving patient(s)
- Active & severe impairment
- Death or patient harm r/t reckless care or lack of care
- Deliberate harm to patient(s)
- Criminal conduct: rape, murder, child molestation
Priority II examples: Serious violation(s)

- Recent or active SUD
- Drug diversion, RX fraud
- Mistakes indicative of lack knowledge, skill or ability
- Failure to assess & intervene
- Theft from patient, family, employer
- Action in other jurisdiction limiting or removing ability to practice & licensed in your state
Priority III examples: Low risk/low harm

- Inconsequential practice errors; isolated medication error
- Documentation mistakes
- Exceeding SOP without harm or pattern
- Breach of confidentiality
- Positive UDT without evidence of impairment or inability to safely practice
- Driving under the influence without other indicators of SUD
Priority IV examples: Minor violations

- CEUs not completed
- Minor isolated mistake not indicative of lack of knowledge, skill or ability
- Action in other jurisdiction for minor violation in that jurisdiction (Censure, Civil Penalty) or actions that do not violate state NPA
Intake/triage responsibilities

- Assign investigator based upon expertise & capacity
- Coordinate notification to complainant & respondent
- Prepare initial subpoenas & requests for information
Triage: Additional effective practices

- Assign multiple complaints involving same licensee to same investigator
- Assign complaints involving multiple licensees for same incident(s) to one investigator
  - Resourceful as one person receives, reviews records, interviews witnesses, gathers evidence
  - Promotes continuity and appropriate resolutions
Effective triage practices continued

- Standardized form to document complaint & triage activities
  - Communicates triage activities to investigator & others
  - Improves ability to track information requested & received
Additional effective complaint processing practices

- Track all complaints:
  - receipt in agency to resolution
  - by licensee/individual, not license number
  - investigative cycle timelines: case specific & overall averages; case type; priority/risk; assigned investigator; assigned legal counsel
  - simplifies future analysis of various measures to improve processes based on evidence
Summary of complaint triage & assignment

Significant first stage in the discipline process impacting:

- Investigation
- Case resolution
Questions?

Thank you!