# The Disciplinary Experience: Perspective of a Complainant & a Disciplined Licensee

National Council of State Board of Nursing Discipline Case Management Conference June 13, 2017

**Julian Rivera** 

Partner, Husch Blackwell julian.rivera@huschblackwell.com (512) 479-9753

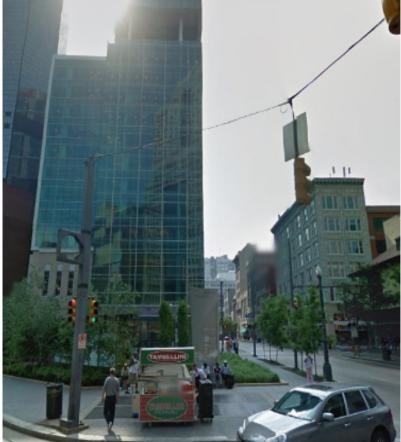
# Why do you do what you do?

 Discipline Case Management Principles: Systems, Policy, Purpose, Perspective

Transforming Principles into Practice by examining the view of complainants & disciplined licensees

## **Corner of Liberty and Fifth Avenues**





Images.library.pitt.edu

maps.google.com

## **Perspectives**

- Complainant
- Disciplined Licensee
- Surrogates
  - Governments & Organization Agents/Employees
  - Attorneys



# **Complainant Perspective**

## Who is the complainant?

- Individual
- Healthcare Provider
- Business
- Regulated Entity
- Government
- Quasi-Government

# **Complainant Perspective**

#### **Motivations**

- Righteous citizen
- Safety
- Professionalism
- Friend
- Seeking self-empowerment
  - Individual
  - Organization
- Competitor

# **Complainant Perspective**

#### **Frustrations**

- Lack of transparency
- Perspectives of others
- Lack of remedies
- Fear of retaliation
- Scope of final decisions

# **Disciplined Licensee Perspective**

#### Who is the licensee?

- Individual
- Employee
- Team Member
- Executive
- Leader
- Business partner
  - Payor relationships
- Community member
- Professional association member

# **Disciplined Licensee Perspective**

#### **Motivations**

- Self-preservation
- Self-empowerment
- Mental health
- Mitigation
- Education
- Correction
- Professional success

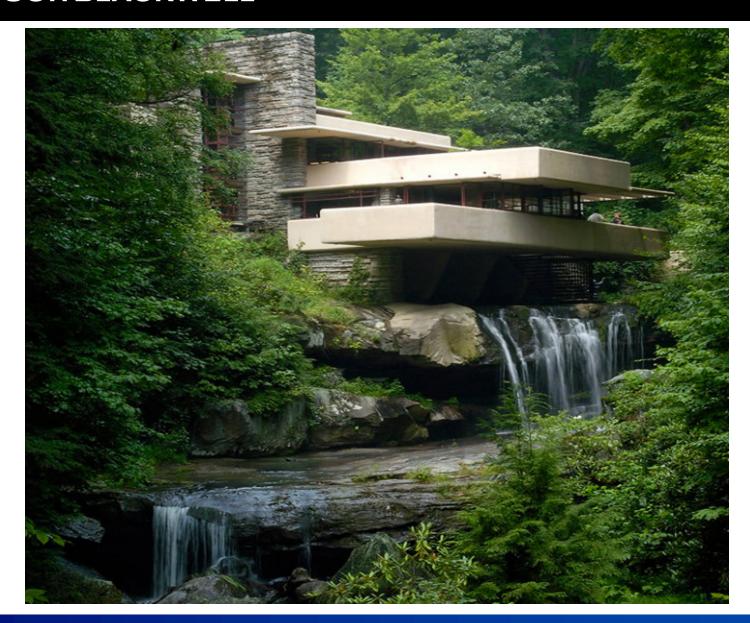
# **Disciplined Licensee Perspective**

#### **Frustrations**

- Inspections/Subpoenas
- Lack of transparency with investigation
- Lack of opportunity to review evidence
- Lack of respect or clarity of interpretation of laws by agency
- Mistake viewed in a vacuum
- Public view of discipline

# **The Same Perspectives?**





fallingwater.org

# **The Same Perspectives?**

#### **Commonalities**

- Truth
- Privacy
- Respect
- Transparency
- Fairness
- Efficiency
- Clarity of law & enforcement
- Business realities
- Finality



© 2016 Husch Blackwell LLP