



Complaint Resolution Philosophy

Introduction

This statement is a reflection of the Board's philosophy and guiding principles which provide the basis for consideration of complaints received about the practice of advanced practice registered nurses, registered nurses and licensed practical nurses and related issues. The statement serves to facilitate board members sharing a common understanding of the considerations of the complaint resolution process. The statement is written in general terms because each case will vary and needs to be considered on its own merits. Furthermore, each board member brings his or her unique perspective to the complaint resolution process.

Mission

The mission of the Minnesota Board of Nursing is to protect the public's health and safety through the regulation of nursing education, licensure and practice.

The Board strives to achieve its mission by:

Carrying out activities authorized by Minnesota statutes and rules (licensing, discipline, and program approval);

Fostering knowledge relevant to the needs of the public and to the education and practice of nursing;

Formulating and influencing effective public policy related to nursing practice;

Pursing collaborative alliances with publics, including consumers of nursing care, nurses, employers, educators, state agencies, and legislators;

Disseminating information to the public and to nurses; and

Operating an agency which utilizes human and fiscal resources efficiently and effectively.

Philosophy and Principles

The purpose of the Board of Nursing is to protect the public as it relates to nursing practice. The Board of Nursing is the only state agency charged with this responsibility. Because the public is vulnerable to unsafe and incompetent practitioners, the Board must have a process for intervening in situations where a nurse fails to practice in a competent and ethical manner, in order to fulfill its mission of public protection. The Board has statutory authority to take various types of action for the violation of specific laws and rules.

These principles guide the Board's activities related to complaint resolution:

1. The Board is primarily accountable to the public. The focus of the Board's complaint resolution activity is protection of the public, rather than protection of the individual or the profession.
2. The Board obtains and utilizes data only to the extent necessary for a Board investigation. Data are classified consistent with the Minnesota Government Data Practices Act. The Board provides information regarding its processes and actions to the public to the extent permitted by law.

3. The Board acts only within its legal authority. All activities of the Board must be statutorily authorized and these activities will be engaged in only for statutorily authorized reasons. The Board's processes must comply with legal principles of due process and equal protection. The Board values the recommendations and guidance provided by its legal counsel from the Office of the Attorney General.
4. The Board strives to resolve similar cases in a similar manner while considering the facts of each individual case in order to determine the appropriate remedy. The Board's decisions are designed to be fair, impartial and equitable.
5. Upon considering the law and the facts, if the Board determines a violation of the Nurse Practice Act has occurred, the Board will take the action which best protects the public.
6. The Board utilizes a variety of actions, basing its decision on the nature and seriousness of the violation and the evidence to substantiate the violation. The Board also takes into consideration corrective measures that have already been implemented and the time that has elapsed since the alleged violation. The Board uses non-disciplinary approaches such as agreements for corrective action, or referral to the Health Professionals Services Program, when appropriate. The Board seeks the cooperation and agreement of the nurse whenever possible.
7. The Board uses minimum standards of acceptable and prevailing advanced practice, professional or practical nursing practice when evaluating a nurse's practice.
8. The Board supports and enforces individual accountability and therefore holds nurses responsible for their own nursing practice. The Board evaluates all reported incidents to determine the nurse(s) immediately involved and those whose practice contributed to the incident. The Board seeks to evaluate the behavioral choices of nurses, distinguishing between human error, at-risk behavior and intentional reckless behavior.
9. The Board seeks to treat all parties involved in the complaint resolution process with respect and courtesy.
10. The Board strives to operate its complaint resolution processes in a timely and fiscally responsible manner. The Board considers recovery of costs in all cases where it is authorized.
11. The Board communicates and cooperates with other state boards and agencies to ensure data are shared on matters of joint interest and jurisdiction for the protection of the public and to provide consistency of approaches among boards.
12. The Board works with other entities to address issues within the health care delivery system, to the extent of the Board's authority.
13. The Board will periodically evaluate the effectiveness of its processes.

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