SON OP: 00.001  Guidelines for the Professional Nursing Peer Review Committee

PURPOSE: The purpose of the School of Nursing Administration Operating Policy and Procedure (SON OP) is to establish a policy and procedure for professional nursing peer review.

REVIEW: The OP will be reviewed biennially by October 1 of each odd numbered year (ONY) by the Associate Dean of Outcomes Management and Evaluation, with recommendations for revisions forwarded to the Dean of the School of Nursing.

POLICY/PROCEDURE:

1. Policy

INTRODUCTION
Achieving and maintaining excellence in nursing teaching, service, research and practice requires mechanisms that insure adherence to professional standards, provide opportunities to recognize exemplary performance and recommend corrective actions when performance is below accepted standards. These guidelines provide the opportunity not only to recognize outstanding achievements by School of Nursing faculty and other Registered Nurses employed by the School of Nursing, but also to identify and rectify inadequate or unprofessional performance according to Article 4525b, Chapter 303 of the Occupations Code, Peer Review of the Codified Texas Statutes Regulating the Practice of Professional Nursing. The TTUHSC School of Nursing Professional Nursing Peer Review Committee is proactive as well as reactive.

DEFINITIONS
The following definitions are employed in this document:

1. Mandatory Reportable Conduct – performance specified in Article 4525a, Sections 1A, 2, or 8, Chapter 301 of the Occupations Code, Sections 301.401, 301.403, 301.405 & 301.410 or violations of the codified Texas Nursing Practice Act or its Rules & Regulations, the Code for Nurses or professional standards.
2. Nurse: A registered nurse or a licensed vocational nurse employed by the School of Nursing.
3. Nursing Peer Review Committee: The committee established under the authority of the School of Nursing, which includes employees and agents of the committee, with authority for voting limited to registered nurses.
4. Peer Review: The evaluation of nursing services, qualifications of nurses, quality of patient care rendered, merits of complaints against nurse employees of the School of Nursing and determinations of violations of the Nursing Practice Act or its Rules & Regulations, the Code for Nurses or professional standards or impaired status.
5. **Reasonable cause:** That a nurse has exposed or is likely to expose a patient, or other person unnecessarily to a risk of harm, has engaged in unprofessional conduct, has failed to care adequately for a patient, or has failed to conform to the minimum standards of acceptable professional nursing practice, or that a registered nurse's practice is likely to be impaired by chemical dependency.

6. **Voluntary Reportable Conduct:** A single incident of unique and note-worthy circumstances; or a series of incidents or pattern of behavior that creates an atmosphere or situation that facilitates the achievements and outcomes of patients, students, community members and/or health professionals because of:
   a. exhibiting exceptional professional conduct;
   b. providing exemplary care for patients
   c. fostering and promoting excellence in nursing students
   d. collaborating with other health professionals and community members to improve health care.

**PROFESSIONAL NURSING PEER REVIEW COMMITTEE** (from TTUHSC SON Bylaws)
This committee is a special committee of the General Faculty of Texas Tech University Health Sciences Center School of Nursing.

**ARTICLE VI. STANDING COMMITTEE**
A.8. Professional Nursing Peer Review Committee

**ARTICLE VII: SPECIAL COMMITTEES**
1. Composition
   The committee is composed of five (5) members of the faculty elected from those faculty members with privilege of voice and vote. There must be at least one member from each campus. Legal counsel and a representative from Personnel shall be administrative liaison members in an advisory capacity. Additional resource persons may be asked to advise the committee on specific issues.

2. Officers
   In addition to the usual duties of Chairperson, the Chairperson of the Professional Peer Review Committee provides data as requested by a report to the Texas Board of Nursing.

3. Meetings
   a. The committee shall meet only as needed.
   b. A quorum for any meeting shall consist of a majority of the voting members.

4. Purpose
   The committee develops policy and procedure for performing professional nursing peer review, performs peer review, evaluates the process, and reports in an advisory capacity as required by the Texas Board of Nursing.

5. Functions
   a. Review, and revise as appropriate, policy and procedure for professional nursing peer review.
   b. Participate in the peer review process of professional nurses.
   c. Implement Peer Review as needed and in compliance with School of Nursing, Texas Tech University Health Sciences Center, and Texas Board of Nursing policies and standards.
   d. Evaluate the process of professional nursing peer review.
   e. Provide education regarding professional nursing peer review.
   f. Maintain confidentiality and security of verbal and written communication.
## STEPS

<table>
<thead>
<tr>
<th>REPORT OF INCIDENT/BEHAVIOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairperson, Professional Nursing Peer Review Committee</td>
</tr>
<tr>
<td>Meeting of Professional Nursing Peer Review Committee</td>
</tr>
<tr>
<td>Full or partial membership investigation</td>
</tr>
<tr>
<td>Committee Discussion of Findings</td>
</tr>
<tr>
<td>Notification to nurse regarding Hearings</td>
</tr>
<tr>
<td>Review of documents by nurse</td>
</tr>
<tr>
<td>Hearing</td>
</tr>
<tr>
<td>Committee's Determination &amp; Notification to Nurse &amp; Dean</td>
</tr>
<tr>
<td>Nurse Rebuttal</td>
</tr>
<tr>
<td>Committee's Determined Action</td>
</tr>
</tbody>
</table>
MANDATORY REPORTABLE CONDUCT

Mandatory reporting means that any nurse who observes a nurse employed by the School of Nursing engaging in suspected reportable behavior or is aware of evidence that such conduct has occurred and believes that reasonable cause exists shall report that conduct to the Texas Board of Nursing. The same report may be submitted to the Chair of the Professional Nursing Peer Review Committee by the person reporting the nurse.

The nurse shall be provided a copy of the committee's findings and determinations and given the opportunity to submit a rebuttal statement. Any rebuttal statement shall be included with the report to the Texas Board of Nursing. The Professional Nursing Peer Review Committee will review the case and prepare a report. This report is submitted to the Texas Board of Nursing.

Any mandatory reportable conduct that results in termination or suspension shall be reported to the Texas Board of Nursing by the Dean of the School of Nursing.

INITIAL REPORT

The Peer Review Process may be initiated by the following:

1. Health Practitioners
2. Organizational Personnel (Staff)
3. Administrative Personnel
4. Patients and Families

The initial report is received by the Chairperson of the Professional Nursing Peer Review Committee.

NOTIFICATION OF NURSE BEING REPORTED

The Chairperson of the Professional Nursing Peer Review Committee notifies the nurse by certified mail that a complaint has been filed with the Professional Nursing Peer Review Committee, after investigation indicates that there is reasonable cause to believe that there is behavior requiring mandatory reporting procedures.

1. The nurse is given written notice that his/her practice is being evaluated and that the Professional Nursing Peer Review Committee will meet on a specified date not more than thirty (30) calendar days from the date of notice. A copy of the Peer Review Plan, Policies and Procedures is appended to the letter.

2. The notice includes:
   a. a description of the event(s) to be evaluated in sufficient detail to inform the nurse of the incident(s), circumstances and conduct (error or omission), including date(s), time(s), location(s), and individual(s) involved. (Patient(s)/client(s) will be identified by initials or number);
   b. name, address, telephone number of the chairperson.

The identification of the person filing the complaint is shared with the nurse only with written permission from the person filing the complaint.
**Confidentiality**

Members of the Professional Nursing Peer Review Committee shall read and sign the Confidentiality Form apprising them of the special section of the law regarding confidentiality of information presented to and/or considered by the Professional Nursing Peer Review Committee, which is not subject to disclosure under Article 4525b, 3 Chapter 303 of the Occupations Code, sections 303.007, of the codified Texas Nursing Practice Act.

Patient names are deleted from all documents used by the Committee. The Patient Cross Index Form is used to cross index patient assigned numbers and identity. The person or persons charged with conducting the investigation are responsible for maintaining this confidentiality.

Disclosure/discussion by a nurse with the nurse’s attorney is proper, because the attorney is bound to the same confidentiality requirements as the nurse.

**Authority**

As a standing Committee of the General Faculty, The Professional Nursing Peer Review Committee represents faculty and other nurses employed by the School, on matters related to professional peer review. The scope of the Committee includes investigative and advisory functions. The Committee recommends disciplinary measures as is appropriate to the situation. The authority of the Committee extends to the review of all nurses employed by the Texas Tech University Health Sciences Center School of Nursing and all nurses doing School of Nursing business, e.g., visiting professors, preceptors, faculty associates and adjunct faculty.

**Committee’s Findings and Recommendations**

The Committee makes recommendations based on the reports of the investigation. The Committee's decision is based on majority rule vote.

**Record Keeping**

Records are kept in a locked file in the Dean’s Office and are accessible only to committee members and appropriate administrators. These records will be maintained for seven (7) years for complaints, after which the complaints will be shredded.

**School of Nursing nurses employed at a School of Nursing Practice Site**

As part of the Practice Program, Texas Tech University Health Sciences Center School of Nursing employs Registered Nurses and, to a lesser extent Licensed Vocational Nurses, who provide patient care in a variety of settings but do not hold regular faculty responsibilities. These nurses may provide service through the TTUHSC SON Wellness Center or the School’s contracts with specified entities.

**PROFESSIONAL NURSING PEER REVIEW COMMITTEE**

1. The committee may be expanded by the Professional Nursing Peer Review Committee of TTUHSC SON to include:
   - Representative from specific practice site (unless Wellness Center) (1)
   - Representative from the Wellness Center (2)
   - Representative from the faculty associate group involved in undergraduate teaching (1)
   - Representative from Faculty Professional Nursing Peer Review Committee (1)
   - The Dean of the TTUHSC SON

Additional representatives may be added to the Committee for major contracts held by the School of Nursing as designated by the Dean.

**Investigation**

The chairperson calls a meeting of the Committee within twenty (20) calendar days of notification of a complaint.
The chairperson, in consultation with the Committee, delegates the investigation to a member or members of the Committee representing the area of nursing of the nurse reported, to the extent feasible.

The Committee may decide to request input and/or investigative assistance from individuals outside of the Committee. Any consultants or subcommittee members are expected to adhere to all policies and procedures of the standing committee.

The investigator(s) may decide based on the situation to review patient records, interview other health employees and/or patients and families, and conduct hearings to facilitate the investigation.

The investigation will be conducted as much as possible during the course of the routine workday.

A Committee meeting for the purposes of discussing the findings of the investigator(s) is called by the chairperson within twenty (20) calendar days of the initial meeting.

Hearings
Hearings may be convened if the Committee determines the hearings to be useful to the investigation. If hearings are called, the nurse being reported has the right 1) to be present, 2) to have representation, e.g., attorney or representative from Personnel, 3) to make statements and to bring own evidence and witnesses, and 4) to question witnesses.

The nurse is provided the opportunity to review, in person or by attorney, at least fifteen (15) calendar days prior to appearing before the Committee, documents concerning the event under review.

The nurse is provided the opportunity to appear before the Committee, make a verbal statement, ask questions and respond to questions of the Committee and provide a written statement regarding the event under review.

There is timely resolution of the committee’s evaluation no more than fourteen (14) calendar days from the date of the hearing meeting stated in the notice to the nurse.

The Peer Review Process is not a hearing or substitute for legal procedure; therefore, court procedures and rules and the presence of attorneys are not required. Although legal representation is not required, should the Professional Nursing Peer Review Committee or the nurse have an attorney as a member or in a representative capacity, the nurse or the Professional Nursing Peer Review Committee is entitled to legal representative and parity of participation by counsel. “Parity of participation by counsel” means that the nurse’s attorney is able to participate in the peer review to the same extent and level as the school’s attorney, e.g., if the school’s attorney can question witnesses, the nurse’s attorney must have the same right.

Nurse Rebuttal Statement in Cases of Mandatory Reporting
The nurse is given written notice of the findings of the Committee when the review has been completed.

The Committee chairperson notifies the nurse, in person or by certified mail, of the Committee’s findings and the nurse will have fifteen (15) calendar days to submit a written rebuttal statement, which will be attached to the Committee report sent to the Texas Board of Nursing.

Committee Reports
The Professional Nursing Peer Review Committee Final Report is sent simultaneously to the Dean (within fourteen [14] calendar days of the final hearing). The Dean forwards the Committee’s finding when it results in reportable action. Upon request, the Professional Nursing Peer Review Committee shall disclose to the Texas Board of Nursing written or oral communications made to the Committee and the records and proceedings of the Committee.
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
1. **Nurse Being Reported** (Please provide the following information about the nurse being reported.)
   
   Name: ________________________________  Unit: ____________
   
   Position: ________________________________

2. **Incident Being Reported** (Describe briefly. Do not use patient’s name. Please indicate dates. Use additional sheets if necessary.)
   
   Date: ______________  Time: ______  Unit/Location ______________
   
   ________________  ________________
   ________________  ________________
   ________________  ________________
   ________________  ________________
   ________________  ________________
   ________________  ________________

3. **Witnesses** (Identify other persons who have information about the incident/behavior.)
   
   ________________  ________________
   ________________  ________________
   ________________  ________________
   ________________  ________________
   ________________  ________________

4. **Chemical Dependency or Mental Illness**
   
   Is it suspected that the nurse’s behavior is related to chemical dependency or mental illness:
   
   Dependency ________________  Mental Illness ________________  Neither ________________

5. **Report to Texas Board of Nursing** (It is not required that this section be completed.)
   
   Has the incident been reported to the Texas Board of Nursing?  Yes ____ No ____
   
   Date: ____________________

6. **Person Making Report** (Provide the following information about yourself.)
   
   Name: ________________________________  Lic# (if applicable) ________________
   
   Unit/Address: ________________________________
   
   Position/Relationship: ________________________________

7. **Minor Incident:** Do you believe the nurse’s conduct indicates the nurse’s continuing to practice would pose a risk of harm to patients or others?  Yes____  No____
I swear that the information provided is true to the best of my knowledge.

Signature ___________________________ Date ________________

FOR COMMITTEE USE ONLY

Date Received: ___________________________ Time: _____________

Case # Assigned: ___________________________

Instructions

1. (Optional) Each nurse is required to report nurses who provide unsafe patient care or engage in behavior that is likely to result in unsafe patient care to the Chairperson of the Professional Nursing Peer Review Committee and to file this report with the Committee.

2. The description of the incident/behavior should be limited to a factual statement and avoid accusations or subjective conclusions.

3. The Chairperson must report the incident/behavior to the Texas Board of Nursing. The Nursing Practice Act requires nurses to report nurses who they have reasonable cause to suspect have exposed or are likely to expose a patient or other person unnecessarily to risk of harm because of qualifications of nurses, quality of patient care rendered, merits of complaints against nurse employees of the School of Nursing and determination of violations of the Nursing Practice Act or its Rules and Regulations, the Code for Nurses or professional standards or impaired status. If it is suspected that the nurse’s behavior is related to chemical dependency or mental illness, the nurse may be reported to the Texas Peer Assistance Program for Nurses (TPAPN) in lieu of being reported to the Texas Board of Nursing (see section 301.410 of the Occupations Code of the codified Texas Nursing Practice Act).
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Patient Cross Index –
Mandatory Reportable Conduct

Instructions: This form is designed to protect the identity of patients during the peer review process. It provides a way to have patient identifying information cross-indexed to non-identifying names or numbers that can be used in peer review records.

1. Patient: ___________________________ ID#: ________________ PNP RC ID# ________________
Address: __________________________________________ PHONE: _____________________________

2. Patient: ___________________________ ID#: ________________ PNP RC ID# ________________
Address: __________________________________________ PHONE: _____________________________

3. Patient: ___________________________ ID#: ________________ PNP RC ID# ________________
Address: __________________________________________ PHONE: _____________________________

Developed: NR:cdh 08/89
Revised: PNP RC: pp 12/98
Revised Faculty Council: PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Confidentiality for Participants in Nursing Peer Review Process – Mandatory Reportable Conduct

The Professional Nursing Peer Review Committee functions in accordance with the requirements of Article 4525b (Chapter 303 of the Occupations Code of the codified) Texas Nursing Practice Act. That article provides persons participating in good faith in the peer review process with extensive protection against incurring civil liability because of their participation. Without such protection, it would be very difficult for Professional Nursing Peer Review Committees to operate. Article 4525b (Chapter 303) also imposes stringent confidentiality requirements on the peer review process. These are necessary to protect not only the nurse being reviewed but also the process. Violating these confidentiality provisions could result in exposure to civil liability both for the person breaching confidentiality and the committee itself. In special instances outlined in the Nursing Practice Act, required and permitted disclosures aid the investigative work of the State Board, law enforcement authorities, and other designated agencies. The following guidelines are designated to assist participants to avoid any inadvertent breeches of confidentiality.

Restrictions on Disclosure:

1. Professional nursing peer review committees are required to protect to the extent possible the identity of patients.
2. Any person who attends any proceeding of the committee may not voluntarily disclose any communication received by or from the committee or any record or proceeding of the committee or disclose any opinion, recommendation, or evaluation of the committee or that of any member of the committee. Nor may they be required to disclose this information, except as noted below.
3. Members of the committee and participants may not be questioned about their testimony or about opinions formed as a result of the committee proceedings, except as noted below.
4. No discussion of any case except as a part of official responsibilities of the committee is permitted. Discussing a case with a third party or expert to obtain their opinion can also result in inadvertently disclosing confidential information.
5. Questions about confidentiality require consultation with the committee chairperson.

I have read the above guidelines and understand and agree to abide by them.

Signature __________________________ Date ____________

Developed: NR: cdh 08-89
Revised: PNPRC: sh 02-07
Revised: Faculty Council: PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
CONFIDENTIAL

Case # ______________________________

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Meeting Report Summary

Meeting # ____________________________ Date ________________

Individuals present (name, credentials, position/title)

Summary of Testimony:

Documents Reviewed:

Findings:

Recommendations:

Reviewed: PNPR 11/04
CONFIDENTIAL
Notification To Individual Nurse

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

NOTICE

To:
(Name)
(Street)
(City, State)

From:
Chairperson - Professional Nursing Peer Review Committee
(Address)

Date:

Subject: Notification of Practice Evaluation (Mandatory Reportable Conduct)

On or about ________________ , I, as chairperson of the Professional Nursing Peer Review Committee, was notified of a concern related to your practice. The following comprises the required notification:

Date(s)/Time(s):
Location(s):
Individuals(s) Involved:
Description of event(s) including incident(s), circumstances & conduct (error or omission)

The next meeting of the Professional Nursing Peer Review Committee will be held at _____(time) on ______________(date) at _________________________(place)

(note that patients/clients are identified by initials or # only)

Reviewed: PNPRC 12/07
Revised: Faculty Council: PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Access to Files By Individuals Who Have Had
A Complaint Registered With Professional Nursing Peer Review Committee

1. The individual is to schedule a time with administrators/directors/chairs (or his/her designee), to review his/her record.
2. The individual must show a picture identification.
3. The administrator/director/chair may take the individual and file to one of two places: 1) the administrator's/ director's/chair's office or 2) the dean's office.
4. The administrative director must remain physically present while the individual has access to the file.
5. If photocopying is needed, it is to be done in the School of Nursing Dean’s Office area only. Photocopying is done at no expense to the individual and is to facilitate the individual’s request for any file materials.

Developed:PSYW:meh  1998
Revised:PRC:sh  03-02-07
Revised: Faculty Council:PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING
Professional Nursing Peer Review Committee
Notice

To: ________________________________
______________________________
______________________________

From: ______________________________
Professional Nursing Peer Review Committee
______________________________

Subject: Notification of Outcome of Professional Nursing Peer Review Committee Investigation

Attached to this memo is the Detailed Summary of Findings regarding the Notification of Practice Evaluation (Mandatory Reportable Conduct) which was dated _______________________.

(This summary will be submitted to the Texas Board of Nursing as an outcome of the peer review process. You have the right to submit a rebuttal statement. It needs to be received by the School of Nursing Dean's Office within fifteen (15) calendar days and will be attached to the items filed with the Texas Board of Nursing).

OR

(The Committee is recommending that this summary not be filed with the Texas Board of Nursing, based on the committee's findings.)

(Signature) Committee Chair

Attachments: Detailed Summary of Findings
Rebuttal Statement
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Detailed Summary of Findings
Mandatory Reportable Conduct
Instructions

1. This form is designed to incorporate the requirements of the Nursing Practice Act. **Article 4525b** (Section 303.008) requires that if a peer review committee discloses information that could result in disciplinary action or recommends or takes such action that the nurse must be provided a detailed summary of the information disclosed or the basis of the recommendation/action. The nurse must be provided an opportunity to submit a rebuttal statement of reasonable length (1500 words).

2. **Article 4525a, Section 2,c requires** (Under Section 301.401):
   The following are grounds for reporting a registered nurse under Section 301.402, 301.405 or 301.407:
   (a) unprofessional conduct by a registered nurse;
   (b) failure by a registered nurse to adequately care for a patient;
   (c) failure by the registered nurse to conform to the minimum standards of acceptable professional nursing practice; or
   (d) impairment or likely impairment of the registered nurse’s practice by chemical dependency.

3. Under Section 301.405(e):
   The requirements that a report to the board be reviewed by a professional nursing peer review committee:
   (a) s28 applies to a required report; and
   (b) s28 does not subject a person’s administrative decision to discipline a registered nurse to the peer review process or prevent a person from taking a disciplinary action before review by the peer review committee is conducted.
   (c) “The requirement that a report to the Board be reviewed by a professional nursing peer review committee applies only to a required report, and review by the peer review committee is only advisory. The requirement may not be construed as subjecting an employer’s or other person’s administrative decision to discipline a registered nurse to the peer review process or as preventing an employer or other person from taking disciplinary action before review by the peer review committee is conducted. The review by the peer review committee established under Subsection (b) of this section must include a determination as to whether or not the nurse undergoing review exposed or was likely to expose a patient or other person unnecessarily to risk of harm, engaged in unprofessional conduct, failed to care adequately for a patient, or failed to conform to the minimum standards of acceptable professional nursing practice, or as to whether the registered nurse’s practice is or is likely to be impaired by chemical dependency. The peer review committee’s determination shall be included in the report made to the Board under Subsection (a) of this section.”

Nursing Practice Act, State of Texas, August 31, 1999

Developed:NR:cdh 08/89
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Revised: Faculty Council, PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

SCHOOL OF NURSING

Professional Nursing Peer Review Committee
Detailed Summary of Findings
Mandatory Reportable Conduct

Case #: ______________________
Date: _______________________

1. Nurse’s Name ______________________
   Lic. #: ______________________

2. Alleged Incident (Describe briefly. Do not use patient names. Use additional sheets if necessary.)
   Incident: ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________

3. Summary of Evidence and Findings (State in detail. Do not use witness names. Use additional sheets if necessary.)
   ____________________________________________
   ____________________________________________
   ____________________________________________
   ____________________________________________

4. Determination of Committee as to Reportable Incident (Check and complete one.):
   _____ a) The committee determined (check one or both as appropriate):
       _____ the nurse did/ did not expose
       _____ the nurse is likely/is not likely to expose
       _____ the evidence was insufficient to find the nurse exposed
       _____ the evidence was insufficient to find the nurse is likely to expose a patient or other person unnecessarily to risk of harm because of:
           _____ evaluation of nursing services
           _____ qualifications of nurses
           _____ quality of patient care rendered
           _____ merit of complaints against a nurse employed by the School of Nursing
           _____ determination of violations of the Nursing Practice Act or its Rules & Regulations
           _____ violation of the Code for Nurses
           _____ violation of professional standards
           _____ impaired status

5. Disciplinary Action: The committee’s findings and determinations may or may not result in disciplinary action. The decision as to disciplinary action, if any, will be made by the appropriate administrative personnel of Texas Tech University Health Sciences Center School of Nursing in accordance with personnel/disciplinary policies. The committee will convey its findings and determinations to the appropriate administrative personnel.
6. **Texas Board of Nursing Action:** Neither the action of the committee nor Texas Tech University Health Sciences Center School of Nursing administrative personnel constitutes action by the Texas Board of Nursing. What action, if any, the Texas Board of Nursing takes against the license will be determined in accordance with the Nursing Practice Act and the Rules and Regulations of the Texas Board of Nursing. The Committee’s findings are reported to the Texas Board of Nursing upon request.

7. **Rebuttal Statement:** The nurse may, if desired, submit a reply or rebuttal statement of no more than 1500 words. This statement will be attached to the Committee’s report and distributed with it. This statement must be submitted to the Dean’s Office of Texas Tech University Health Sciences Center School of Nursing no later than fifteen (15) calendar days from the date of this notification. To protect patient confidentiality, no patient names or other identifying information should be used. Any patient identifying information will be deleted from the rebuttal statement.

8. **Questions:** If there are any questions about this statement, please contact the Committee Chairperson, Professional Nursing Peer Review Committee at (806) 743-2738.

**APPROVED BY COMMITTEE CHAIR:**

Signature

Date

**ACKNOWLEDGMENT OF RECEIPT BY NURSE:**

Signature

Date

Developed: NR: cdh 08/89
Revised: PNPRC: pp 12/98
Reviewed: PNPR 12/07
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Reviewed: Faculty Council December, 2014

00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
CONFIDENTIAL

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER

SCHOOL OF NURSING

Rebuttal Statement Submitted To Professional Nursing Peer Review Committee

Date: Case #:_____________________________________

Nurse: ___________________________________________ Lic. # _____________

DEADLINE: 15 calendar days from Committee Notification

Instructions

1. The Nursing Practice Act gives individuals the right to submit a rebuttal statement to the Detailed Summary of Findings that the Professional Nursing Peer Review Committee has provided. This statement will be included with the committee's report.

2. The statement may not include patient names or other patient identifying information. Any such information will be deleted from the statement.

3. The deadline for receipt by the Dean’s Office of this rebuttal statement is noted above. Failure to meet this deadline may result in the information being disclosed without the rebuttal statement being attached.

Rebuttal Statement: Attach typed information. Conclude with original signature of nurse being reported.
1. **Article 4525a, sec. 2 states**
   (a) Section 301.401. Grounds for Reporting Registered Nurse.
   The following are grounds for reporting a registered nurse under Section 301.402, 301.405 or 301.407:
   
   (1) unnecessary or likely exposure by the registered nurse of a patient or other person to a risk of harm;
   (2) unprofessional conduct by a registered nurse; registered nurse to adequately care for a patient;
   (3) failure by the registered nurse to conform to the minimum standards of acceptable professional nursing practice; or
   (4) impairment or likely impairment of the registered nurse’s practice by chemical dependency.

   (b) Section 301.405. Duty of a Person Employing a Registered Nurse.
   (1) This section applies only to a person who employs, hires, or contracts for the services of a registered nurse, including:
       (a) a health care facility, including a hospital, health science center, nursing home, or health care agency;
       (b) a state agency;
       (c) a political subdivision;
       (d) a school of professional nursing; and
       (e) a temporary nursing service.

   (2) A person terminates, suspends for more than seven days, or takes other substantive disciplinary action, as defined by the board, against a registered nurse because a ground under Section 301.401 exists to report the nurse shall report in writing to the board the identity of the nurse and any additional information the board requires.

   (3) Each person subject to this section that regularly employs, hires, or otherwise contracts for the services of 10 or more registered nurses shall develop a written plan for identifying and reporting a registered nurse in its service against whom a ground under Section 301.401 exists. The plan must include an appropriate process for the review by a professional nursing peer review committee established and operated under Chapter 303 of any incident reportable under this section and for the affected nurse to submit rebuttal information to that committee. Review by the committee is only advisory.

   (4) The review by the peer review committee must include a determination as to whether a ground under Section 301.401 exists to report the registered nurse undergoing review. The peer review committee’s determination must be included in the report made to the board under Subsection (b).

   (5) The requirements that a report to the board be reviewed by a professional nursing peer review committee:
       (a) applies to a required report; and
       (b) does not subject a person’s administrative decision to discipline a registered nurse to the peer review process or prevent a person from taking a disciplinary action before review by the peer review committee is conducted.

   (6) The board shall enter into memoranda of understanding with each state agency that licenses, registers, or certifies a health care facility or agency or surveys that facility or agency with respect to professional nursing care as to how that state agency can promote compliance with Subsection (c)
       (a) “Each hospital, health science center, nursing home, home health agency, other health-care facility, state agency, political subdivision, school of professional nursing, temporary nursing service, or person that employs, hires, or contracts for the service of registered nurses that terminates, suspends for more than 7 days, or takes other substantive disciplinary action as defined by the Board against a registered nurse because the
registered nurse has exposed or is likely to expose a patient or other person unnecessarily to a risk of harm, has engaged in unprofessional conduct, has failed to care adequately for a patient, or has failed to conform to the minimum standards of acceptable professional nursing practice or because the registered nurse’s practice is or is likely to be impaired by chemical dependency shall report in writing to the Board the identity of the nurse and such additional information as the Board may require.

(b) Each hospital, nursing home, health science center, home health agency, other health-care facility, state agency, political subdivision, school of professional nursing, temporary nursing service, or person that regularly employs, hires, or otherwise contracts for the services of 10 or more registered nurses shall develop a written plan for identifying and reporting registered nurses in its service who expose or are likely to expose patients or other persons unnecessarily to a risk of harm, engage in unprofessional conduct, fail to care adequately for a patient, or fail to conform to the minimum standards of acceptable professional nursing practice, or whose practice is or is likely to be impaired by chemical dependency. The plan must include an appropriate process for the review of any incident reportable under this section by a professional nursing peer review committee established and operated under Article 4525b, Revised Statutes, and for the affected nurse to submit rebuttal information to that committee. The Board shall enter into memoranda of understanding with any state agency that licenses, registers, or certifies health-care facilities or agencies or surveys such facilities or agencies with respect to professional nursing care as to how that state agency can promote compliance with this subsection.

(c) The requirement that a report to the Board be reviewed by a professional nursing peer review committee applies only to a required report, and review by the peer review committee is only advisory. The requirement may not be construed as subjecting an employer’s or other person’s administrative decision to discipline a registered nurse to the peer review process or as preventing an employer or other person from taking disciplinary action before review by the peer review committee is conducted. The review by the peer review committee established under Subsection (b) of this section must include a determination as to whether or not the nurse undergoing review exposed or was likely to expose a patient or other person unnecessarily to risk of harm, engaged in unprofessional conduct, failed to care adequately for a patient, or failed to conform to the minimum standards of acceptable professional nursing practice, or as to whether the registered nurse’s practice is or is likely to be impaired by chemical dependency. The peer review committee’s determination shall be included in the report made to the Board under Subsection (a) of this section.”

Nursing Practice Act, State of Texas, 1977

2. If the reported nurse has gone through a peer review process, Article 4525b Chapter 303 requires certain specific conditions be met including submitting a copy of the peer review committee’s report in the facility’s/employer’s report to the Texas Board of Nursing. The attached form attempts to reflect these conditions.

3. If it is suspected that the nurse’s conduct is related to chemical dependency or mental illness, the nurse may be reported to the Texas Peer Assistance Program for Nurses (TPAPN) in lieu of being reported to the Texas Board of Nursing. TPAPN’s address and phone are:

Texas Peer Assistance Program for Nurses
7600 Burnet Road, Suite 440
Austin, Texas  78757-1292
1-800-288-5528
512-467-7027
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

PROFESSIONAL NURSING PEER REVIEW COMMITTEE
REPORT TO Texas Board of Nursing

1. Nurse Being Reported (Provide the following information about the nurse being reported.)

Name:___________________________________________ Lic. #: ___________
Address:_________________________________________ Phone: ___________

2. Incident Being Reported (See attached Detailed Summary of Findings.)

3. Disciplinary Action (Indicate how nurse was disciplined.)

Terminated ___________ Suspended (indicate length of time) ___________
Other (describe) ____________________________ Not disciplined ___________

4. Peer Review

Was the incident reviewed by a nursing peer review committee?
Yes______ No______ Committee Chair: __________________________
Phone: __________________________

Is a copy of the committee's report enclosed? Yes______ No______
Did the nurse submit a rebuttal statement? Yes______ No______
Is a copy of the rebuttal statement attached? Yes______ No______

Were administrative personnel of the Texas Tech University Health Sciences Center informed of the findings of the Professional Nursing Peer Review Committee? Yes______ No______

5. Chemical Dependency or Mental Illness

Is it suspected that the nurse's behavior is related to chemical dependency or mental illness?
Dependency_____ Mental Illness_____ Neither______

6. Witnesses

Were there witnesses to the incident/behavior or are there other persons who have information about the incident/behavior? Yes______ No______

Do not identify. The Texas Board of Nursing can request names if needed.

7. Reporting Entity (Provide the following information about the entity making report).

Dean ________________ on behalf of the
Name: Professional Nursing Peer Review Committee Texas Tech University Health Sciences Center School of Nursing
Phone: (806) 743-2738 Address: 3601-4th Street; Lubbock, TX 79430

Does the entity employ or use the services of 10 or more Registered Nurses?
Yes______ No______

Does the entity employ or use the services of 10 or more Licensed Vocational Nurses?
Yes______ No______

Person submitting report: ________________________________ Phone: ________________
I swear that the information provided is true to the best of my knowledge.

____________________________________  Date
(Signature)
Dean School of Nursing

Developed: NR:cdh 08/89
Revised: PNPRC: pp 12/98
Reviewed: PNPR 12/07
Revised: Faculty Council: PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING
Professional Nursing Peer Review Committee
Final Report – Mandatory Reportable Conduct

Instructions

1. This report is designed to be used when the nurse has been provided a Detailed Summary of Information as required by Article 4525b Chapter 303. To assure consistency of information, the Detailed Statement of Facts serves as the primary document for describing the committee's findings to the nurse, the Texas Board of Nursing, and as necessary, others.

2. Article 4525b Chapter 303 requires that before the committee disclose information that could result in disciplinary action or recommends/takes such action, it must provide the nurse a detailed summary of the information including the basis of its recommendation/action and give the nurse an opportunity to submit a rebuttal statement.

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Revised: Faculty Council:PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
Date: Case #:______________________________

1. Nurse Reviewed:
   Name: ___________________________       Lic. No.______________________

2. Incident Reviewed (Describe briefly. Do not use patient names.)
   Date:   Time: ___________  Location:______________________________
   Unit (if applicable):____________________
   Incident/Conduct: ____________________________________________
                    ____________________________________________

3. The Detailed Summary of the Professional Nursing Peer Review Committee Findings is attached.
   Yes ________  (Required)

4. The Detailed Summary was provided to the nurse.
   Yes ________  (Required)

5. The nurse was apprised of the right to submit a rebuttal statement.
   Yes ________  (Required)

6. The nurse has submitted a rebuttal statement.  Yes _____  No _________

7. If the nurse submitted a rebuttal, a copy is attached.
   Yes_____  No_____

8. The nurse’s conduct may be related to chemical dependency or mental illness.
   Dependency ________  Mental Illness _____  Neither ______________

9. Recommendations/Comments:
   ________________________________________________________________
   ________________________________________________________________

   Signature, Committee Chairperson

Attach: Detailed Summary of Findings
         Rebuttal (if any)
         Report to the Texas Board of Nursing.

Developed: NR:cdh  8/89
Revised: PNPRC:pp  12/98
Reviewed: PNPRC  12/07
Revised: Faculty Council:PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
Case # _________________

TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Professional Nursing Peer Review Committee
Case Activity
(Form)

1. Report received by chairperson __________________________ (Date)
2. Report forwarded to Committee __________________________ (Date)
3. Notification to reported nurse __________________________ (Date)
4. Notification to reporting individual (if known) __________________________ (Date)
5. Investigation initiated __________________________ (Date)
6. Investigation completed __________________________ (Date)

Final Summary of Investigation

Final Summary of Results

Attach Meeting Report Summary for each meeting held.

Reviewed: PNPR 12/07
Revised: Faculty Council: PM, 02-15
Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
Voluntary Reportable Conduct

Report of Incident/Behavior

Chairperson, Professional Nursing Peer Review Committee notifies nurse that Practice is being Evaluated

Acts on behalf of Committee

Refers to PNPRC (Hearing)

Notification to Nurse

AND

Notification to Dean

Calendar Days

Calendar Days

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Reviewed: Faculty Council December, 2014
00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
Voluntary reporting means that any nurse, family member, administrator, patient, or other health professional who observes a nurse employed by the School of Nursing performing in an exemplary manner or is aware of evidence that such exemplary performance has occurred may report that conduct to the Chairperson of the Professional Nursing Peer Review Committee. The nurse being voluntarily reported shall be provided a copy of the committee's findings. The findings will be communicated in writing to the Dean of the School of Nursing. The nurse determines whether or not this information is shared with others. The committee does not share its findings unless specifically requested to do so by the nurse being commended. No report of exemplary performance will be reported to the Texas Board of Nursing.

**Initial Report**

The Peer Review Process may be initiated by the following:

1. Health Practitioners
2. Hospital Personnel
3. Administrative Personnel
4. Patients and Families

The initial report is received by the Chairperson of the Professional Nursing Peer Review Committee.

**Notification of Nurse Being Reported**

The Chairperson of the Professional Nursing Peer Review Committee notifies the nurse that a compliment has been filed with the Committee.

1. The nurse is given written notice that his/her practice is being evaluated.
2. The notice includes:
   a. a description of the event(s) to be evaluated in sufficient detail to inform the nurse of the incident, or behavior and will include date(s), time(s), locations, and individual(s) involved. (Patient(s)/client(s) will be identified by initials or number);
   b. name, address, telephone number of the chairperson to receive the nurse's response, if the nurse chooses to do so.

The identification of the person filing the compliment is shared with the nurse only with written permission from the person filing the compliment.

**Confidentiality**

The Chairperson, and if members of the Professional Nursing Peer Review Committee are involved, reads and signs the Confidentiality Form.

Patient names are deleted from all documents used by the Committee. The Patient Cross Index Form is used to cross index patient assigned numbers and identity. The person or persons charged with conducting the investigation are responsible for maintaining this confidentiality.

**Authority**

As a standing Committee of the General Faculty, the Professional Nursing Peer Review Committee represents faculty and other nurses employed by the School on matters related to professional peer review. The scope of the Committee includes investigative and advisory functions. The Committee recommends commendations as is appropriate to the situation.
The authority of the Committee extends to the review of all nurses employed by the Texas Tech University Health Sciences Center School of Nursing and all nurses doing School of Nursing business, e.g., visiting professors, preceptors, faculty associate and adjunct faculty.

Committee's Findings and Recommendations
The Committee makes recommendations based on the reports of the investigation. The Committee's decision is based on majority rule vote. The Chairperson may act on behalf of the Committee.

Record Keeping
Records are kept in a locked file in the Dean's office and are accessible only to committee members and appropriate administrators. These records will be maintained for three (3) years and then will be shredded. A copy of the report will be placed in the individual faculty member’s School of Nursing personnel file.

Investigation
If a meeting is required, the chairperson calls a meeting of the Committee within fifteen (15) calendar days of notification of the compliment.

Hearing
Hearings may be convened if the Committee determines the hearings to be useful to the investigation. If hearings are called, the nurse being complimented has the right 1) to be present, 2) to have representation, e.g., attorney or representative from Personnel, 3) to make statements and to bring own evidence and witnesses, and 4) to question witnesses.

The nurse is provided the opportunity to review, in person or by attorney, at least fifteen (15) calendar days prior to appearing before the Committee, documents concerning the event under review.

The nurse is provided the opportunity to appear before the Committee, make a verbal statement, ask questions and respond to questions of the Committee and provide a written statement regarding the event under review.

There is timely resolution of the committee’s evaluation, no more than fifteen (15) calendar days from the date of the hearing meeting stated in the notice to the nurse.

Nurse Rebuttal Statement in Cases of Voluntary Reporting
The nurse is given written notice of the findings of the Committee when the review has been completed.

The Committee chairperson notifies the nurse of the Committee's findings.

Committee Reports
The Professional Nursing Peer Review Committee Final Report is sent to the Dean within fourteen calendar-days of the hearing.
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

1. Nurse Being Reported (Please provide the following information about the nurse being reported.)
   
   Name: ________________________________  Unit ____________
   
   Position: ________________________________

2. Incident Being Reported (Describe briefly. Do not use patient's name. Please indicate dates. Use additional sheets if necessary.)
   
   Date: ____________  Time: ____________  Unit/Location ____________________________
   
   ____________________________________________
   
   ____________________________________________
   
   ____________________________________________
   
   ____________________________________________
   
   ____________________________________________

3. Witnesses (Identify other persons who have information about the incident/behavior.)

   ____________________________________________
   
   ____________________________________________
   
   ____________________________________________

4. Person Making Report (Provide the following information about yourself.)

   Name: ________________________________  Lic# (if applicable) ______________
   
   Unit/Address: ________________________________
   
   Position/Relationship: ________________________________
   
   I swear that the information provided is true to the best of my knowledge.
   
   ____________________________  ____________________________
   Signature  Date

FOR COMMITTEE USE ONLY

Date Received: ________________________________  Time: ____________

Case # Assigned: ________________________________

Signature  Date
Instructions

1. (Optional) Each nurse employed by the School of Nursing may commend a colleague to the Chairperson of the Professional Nursing Peer Review Committee and file this report with the Committee.

2. The description of the incident/behavior should be limited to a factual statement.

3. The Chairperson may act on behalf of the Professional Nursing Peer Review Committee to collect further data and provide an official report of the findings.
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Professional Nursing Peer Review Committee
Patient Cross Index
Voluntary Reportable Conduct

Instructions: This form is designed to protect the identity of patients during the peer review process. It provides a way to have patient-identifying information cross-indexed to non-identifying names or numbers that can be used in peer review records.

1. Patient: ___________________________ ID#:____________________ PNPJC ID# ___________
   Address:_________________________________________________ PHONE: ______________
   ________________________________

2. Patient: ___________________________ ID#:____________________ PNPJC ID# ___________
   Address:_________________________________________________ PHONE: ______________
   ________________________________

3. Patient: ___________________________ ID#:____________________ PNPJC ID# ___________
   Address:_________________________________________________ PHONE: ______________
   ________________________________

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00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER
SCHOOL OF NURSING

Confidentiality Guidelines for Participants in Nursing Peer Review Process – Voluntary Reportable Conduct

The Professional Nursing Peer Review Committee in its functions related to Voluntary Reportable Conduct maintains confidentiality. The following guidelines are designated to assist participants to avoid any inadvertent breeches of confidentiality.

Restrictions on Disclosure:

1. A member, agent or employee of the committee or a participant in any peer review proceeding may not voluntarily disclose any communication received by the committee or any record or proceeding of the committee. Nor may they be required to disclose this information.

2. Any person who attends any proceeding of the committee may not voluntarily disclose any information acquired or disclose any opinion, recommendation, or evaluation of the committee or that of any member of the committee. Nor may they be required to disclose this information.

3. Members of the committee and participants may not be questioned about their testimony or about opinions formed as a result of the committee proceedings.

4. Professional Nursing Peer Review Committees are required to protect to the extent possible the identity of patients.

5. No discussion of any case except as a part of official responsibilities of the committee is permitted. Discussing a case with a third party or expert to obtain their opinion can also result in inadvertently disclosing confidential information.

6. Reference to individual patients may be made only if the chairperson of the committee has been consulted.

   Normally, a case can be discussed without identifying patients by name.

7. Questions about confidentiality require consultation with the committee chairperson.

I have read the above guidelines and understand and agree to abide by them.

__________________________________________________________  ______________
Signature                                      Date

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00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE
SCHOOL OF NURSING

Professional Nursing Peer Review Committee
Final Report – Voluntary Reportable Conduct

Date: Case #: ________________________________

1. Nurse Reviewed:
   Name: ________________________________ Lic. No. ____________

2. Report Reviewed. (Describe briefly. Do not use patient names)
   Date: ___________ Time: _________ Location: ____________________
   Unit (if applicable): ________________
   Report of Exemplary Performance: ________________________________
   __________________________________________________________________
   __________________________________________________________________

3. Attach any relevant items from Committee or nurse.

4. Recommendations/Comments
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________

Signature
Committee Chairperson

Developed: CW: pp 02/99
Reviewed: PNPRC 12/07
Revised: Faculty Council: PM, 02/15
Reviewed: Faculty Council December, 2014

00.001 GUIDELINES FOR THE PROFESSIONAL NURSING PEER REVIEW COMMITTEE