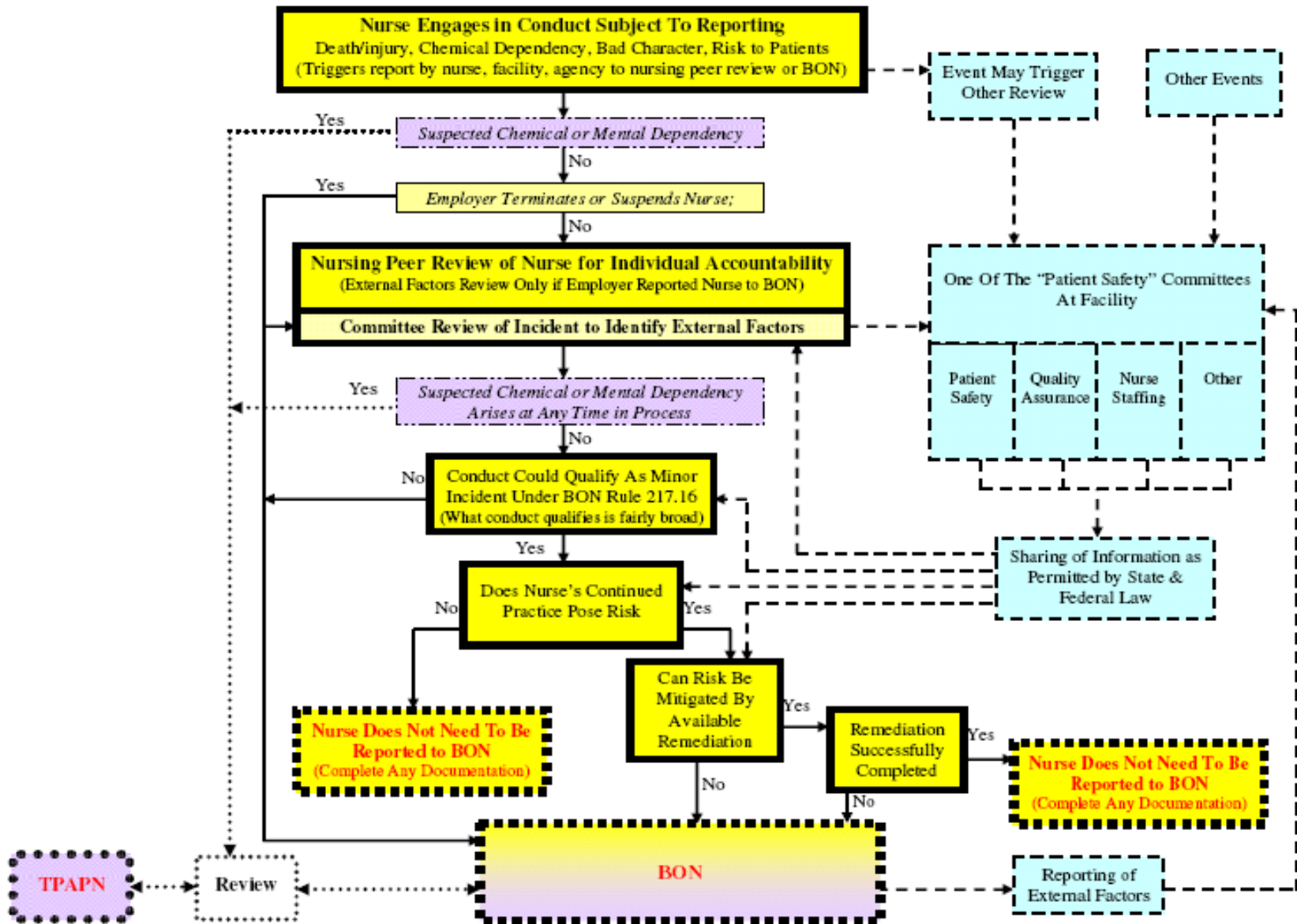


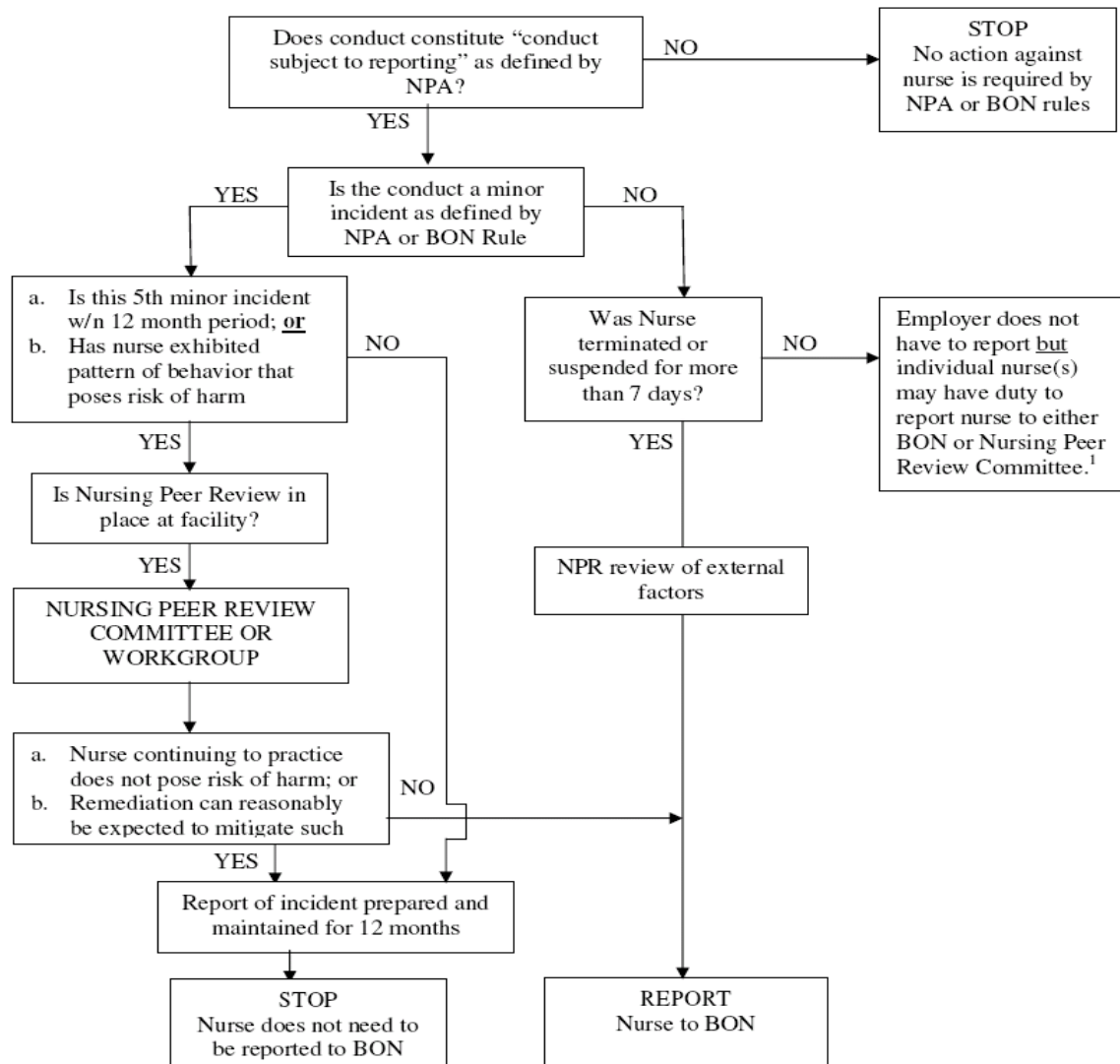
Process For Handling Conduct Subject to Reporting (Handout)

Yellow Highlight denotes core process. Lavender Highlight denotes process if impaired practice involved. Blue Highlight denotes sharing of information with external bodies.



FLOW CHART FOR REPORTING OF MINOR INCIDENTS

NOTE: As of 9/8/2008, the BON was in the process of revising its Minor Incident Rule. It is not believed the changes will affect the general points set out in this flowchart.



NOTE:

¹ Employers have duty to report only if terminate or suspend nurse for >7 days because of conduct subject to reporting. However, for individual nurses, conduct subject to reporting alone triggers the duty to report to either BON or nursing peer review committee. A nursing peer review committee does not have to report to BON if not reportable as a minor incident under BON Rule 217.16.

Tx Whistleblower Protections (Handout)

PATIENT ADVOCACY PROTECTIONS AND REMEDIES FOR TEXAS NURSES

Note: This table sets out only those protections specific to nurses. Texas laws also provides general whistleblower protections for all personnel in hospitals, nursing homes and home health care agencies.

Texas Law	Conduct Covered	Protection From BON Action Against License	Protection from Retaliation
Safe Harbor Nursing Peer Review NPR Law ¹ §303.005	1. Nurse believes she/he is being requested to engage in conduct that would violate nurse's duty to patient as defined by BON standards of practice and unprofessional conduct rules 2. Nurse advised another nurse about rights under safe harbor nursing peer review	Yes	Yes
Refusal to Engage in Conduct that Would Violate NPA or BON Rule NPA ² §301.352	Nurse refusing to engage in conduct that would violate NPA or BON rule or make nurse subject to reporting to BON	No	Yes
Reporting a Patient Care Concern NPA §301.4025	Nurse reporting concern within facility about patient(s) being exposed to substantial risk of harm due to failure of facility or practitioner to conform to minimum professional standards or regulatory/accreditation standards	N/A	Yes
Reporting Staffing Concerns in Hospitals H&S Code §161.134 ³ DSHS Rule ⁴ §133.41(o)(2)(I) DSHS Rule ⁴ §133.43	Nurse reporting of staffing concerns in hospital to nurse staffing advisory committee	N/A	Yes
Reporting a Practitioner or Facility/Agency NPA §301.4025	Nurse reporting a facility or practitioner for exposing a patient to substantial risk of harm due to failure to conform to minimum professional standards or regulatory/accreditation standards	N/A	Yes
Mandatory Reporting of Nurse NPA 301.402 (Note: This is in addition to any permitted reporting under §301.4025)	Nurse reporting a nurse to BON or to NPR in lieu of reporting to BON who engages in conduct subject to mandatory reporting	N/A	Yes

¹NPR Law denotes Nursing Peer Review Law, Occupations Code, Ch. 303; ²NPA denotes Nursing Practice Act, Occupations Code, Ch. 301; ³ H&S Code denotes Texas Health & Safety Code; ⁴DSHS Rule denotes Texas Department of State Health Services Hospital Licensing Rule

SAFE HARBOR NURSING PEER REVIEW FLOWCHART

