



EL PASO COMMUNITY COLLEGE PROCEDURE

For information, contact Institutional
Effectiveness: (915) 831-6740

DLA-1 Nursing Peer Review Committee

APPROVED: July 13, 1988 **REVISED:** August 5, 2020
Year of Last Review: 2021
AUTHORIZING BOARD POLICY: DLA

Classification: Administrative

Vice President or Associate Vice President: Vice President of Instruction and Workforce Education

Designated Contact: Dean of Nursing

OBJECTIVE: To establish guidelines for a Nursing Peer Review Committee as mandated by the Texas Nurse Practice Act.

PROCEDURE:

I. Definition

- A. Nursing Peer Review Committee: A standing governance committee composed of registered nurses currently licensed in Texas established under the guidelines of the Texas Nurse Practice Act (NPA). This committee serves in an advisory capacity to College staff.
1. Peer Review: is the evaluation of professional nursing services; the qualifications of professional nurses, the quality of patient care rendered by professional nurses and the merits of complaint concerning a nurse or nursing care and the determination or recommendation regarding complaints (Article 452b. Sec. 1-2) of the Texas Nurse Practice Act).
 2. Professional Nursing Practice: the provision of direct patient care, to include supervision of students in the care of patients and skill acquisition which includes assessment, planning to include establishment of nursing diagnoses and goals, implementation, evaluation, and reassessment. (See the attached forms following page 5 of this College Procedure).
 3. Nursing Peer Review (NPR) as described in 217.9 section of the nursing board (relating to Incident-Based Nursing Peer Review and Whistleblower Protections) and 217.20 (relating to Safe Harbor Nursing Peer Review and Whistleblower Protections).

Texas Board of Nursing (BON) Definitions:

“Peer Review -- Defined by TOC §303.001(5) (NPR Law) as the evaluation of nursing services, the qualifications of a nurse, the quality of patient care rendered by a nurse, the merits of a complaint concerning a nurse or nursing care, and a determination or recommendation regarding a complaint. The term also includes the provision of information, advice, and assistance to nurses and other persons relating to the rights and obligations of and protections for nurses who raise care concerns, report under Chapter 301, request Nursing Peer Review, and the resolution of workplace and practice questions relating to nursing and patient care. The nursing peer review process is one of fact finding, analysis and study of events by nurses in a climate of collegial problem solving focused on obtaining all relevant information about an event. Nursing Peer Review conducted by any entity must comply with NPR Law and with applicable Board rules related to incident-based or safe harbor nursing peer review.” (Texas Board of Nursing)

“Safe Harbor -- A process that protects a nurse from employer retaliation, suspension, termination, discipline, discrimination, and licensure sanction when a nurse makes a good faith request for nursing peer review of an assignment or conduct the nurse is requested to perform and that the nurse believes could result in a violation of the NPA or Board rules. Safe harbor must be invoked prior to engaging in the conduct or assignment for which nursing peer review is requested and may be invoked at any time during the work period when the initial assignment changes.” (Texas Board of Nursing)

“Whistleblower Protections -- Protections available to a nurse that prohibit retaliatory action by an employer or other entity because the nurse.” (Texas Board of Nursing)

II. Purpose

Texas Occupations Code, Nursing Peer Review, Chapter 303 and the Texas Board of Nursing (BON), Rules and Regulations, Section 217.17 stipulates that facilities employing more than 8 Registered Nurses (RNs), Licensed Vocational Nurses (LVNs), or any combination thereof, shall establish a Nursing Peer Review Committee for the purpose of conducting peer review. The Nursing Peer Review Committee (herein referred to as the NPR Committee), within the El Paso County Community College District (EPCCCD), is a process separate from the personnel evaluation process and the tenure process. Academic issues (i.e. grade disputes, course pursuit, teaching methodologies) are to be considered under the student grievance procedure, evaluation process, or tenure process rather than this peer review process.

- A. The purpose of the NPR Committee is the evaluation of nursing services, the quality of care rendered by licensed nurses, the merits of complaints concerning licensed nurses and nursing care, and the determination or recommendations regarding complaints to include:
 - 1. Evaluation of the accuracy of nursing assessment and evaluations,
 - 2. Appropriateness and quality of care rendered by a nurse,
 - 3. Reports made to the NPR concerning activities under the committee’s authority,
 - 4. Reports made by NPR to another committee or to the Board of Nursing as permitted and required by law,
 - 5. Implementation of the duties of an NPR by a member, an agent, or any employee of the committee.
- B. The conclusions and recommendations of the Committee are advisory in nature and will be submitted to the appropriate administrative staff of the College who will determine actions to be taken regarding disciplinary action of employees. Mandatory reports to the Texas Board of Nursing will be submitted in accordance with the Nurse Practice Act.
- C. A nursing peer review may be requested to determine if duty to a patient has been violated. There are two types of nursing peer review:
 - 1. Incident Based Peer Review (IBPR), in which case peer review is initiated by a facility, association, school, agency, or any other setting that utilizes the services of nurses; or
 - 2. Safe Harbor Peer Review (SHPR), which may be initiated by a Licensed Vocational Nurse (LVN), Registered Nurse (RN), or Advanced Practice Nurse (APN) prior to accepting an assignment or engaging in requested conduct that the nurse believes would place patients at risk of harm, thus potentially causing the nurse to violate his/her duty to the patient(s). Invoking safe harbor in accordance with rule 217.20 protects the nurse from licensure action by the BON as well as from retaliatory action by the employer.

III. NPR Committee Structure (composition): NPR Law, Section 300.003(a) requires that a Nursing Peer Review Committee that conducts a review that involves the practice of RNs and LVNs must have registered and licensed vocational nurses as three quarters of its members. NPR Law, Section 300.003(b) requires that an NPR Committee that conducts a review that involves the practices of LVNs must, to the extent feasible, include LVNs as members; and have only RNs and LVNs as voting members. NPR Law Section 300.003(c) requires that a NPR Committee that conducts a peer review that involves the practice of professional nursing (including an RN with advanced practice authorization) must have RNs as two thirds of its members, have only RNs as voting members, and, where feasible, have at least one nurse with a working familiarity of the area of the nursing practice being reviewed. If APN practice is reviewed, preferably an APN with authorization in the same role and specialty on peer review or advising peer review.

A. NPR Committee Appointments

- 1. Committee appointments will be made by the Dean of Nursing consisting of Nursing Faculty* to include members from the Rio Grande campus that are MSN and APNs. Committee members from the Mission Del Paso campuses will include ADN and BSN prepared faculty. EPCCCD does not employ Licensed Vocational Nurses.

* Note: In some Board policies and College procedures, the word “faculty” denotes instructors, counselors and librarians.

2. The NPR Committee must have RNs as three quarters of its membership. The Dean of Nursing will appoint the members of the Committee from the pool of EPCCCD employees, full-time and part-time, who are currently licensed as ADN-RNs, BSN-RNs, MSN-RNs, PhD-RNs, DNP-RNs, and/or APN-RNs.
3. The NPR Committee Chair and Co-chair may be appointed by the Dean of Nursing or may be elected by the members of the Committee, at the Dean of Nursing's discretion. The Chair and Co-Chair will serve for two years.

B. NPR Committee Memberships

1. Committee composition as noted in Section III above. Administrative: Rule 217.19 excludes from membership or attendance at an NPR hearing any person(s) with administrative authority for personnel actions directly related to the nurse. A person with administrative authority over the nurse may only appear as a fact witness.
 - a. Only nurses can be voting members: RNs will vote on all issues involving RNs. and LVNs, LVNs may only vote on issues involving LVNs.
 - b. When possible, have at least one nurse with familiarity of the area of nursing practice being reviewed.
 - c. If an APN is being reviewed, the committee will include at least one APN.
 - d. Unofficial members of the committee may be appointed at the discretion of the Dean of Nursing. These members may represent the District regarding Policies and Procedures. Unofficial members have no voting privileges and may observe only unless recognized by the Committee to provide input on a specific issue.
2. NPR Committee members will serve for alternating (staggered) periods of two years. NPR Committee members may be reappointed for additional terms at the discretion of the Dean of Nursing.
3. The attorney for EPCCCD will serve as a consultant to the NPR Committee upon approval by the President.

IV. NPR Committee Activities

- A. At the beginning of each fall semester, the NPR Committee shall meet to elect a chairperson, and review the Texas Statutes related to nursing practice and peer review. Any new members will sign a confidentiality statement.
- B. The following circumstances will be considered appropriate for review by the NPR Committee:
 1. A written complaint or incident report (Form A, attached to this College Procedure) filed with the chair of the NPR Committee or with the appropriate administrative supervisor of an RN shall be considered for review by the NPR Committee as long as the complaint involves professional nursing practice as defined by the Nurse Practice Act. Complaints may be filed by peers, supervisors, students, or members of the community.
 2. The NPR Committee may determine that duties assigned to work groups for specific areas of practice, need to be reviewed at periodic intervals to ensure that nursing practices are appropriate (e.g., techniques of medication administration, isolation procedures, infection control measures, charting, etc.).
 3. The NPR Committee may make advisory recommendations to the Nursing Student Applicant Review Committee in instances of student unsafe practice. This type of review may be requested by the nursing faculty members involved, the Nursing Student Applicant Review Committee, or the Dean of Nursing.
 4. The following situations, which are reportable to the Texas Board of Nursing under the Texas Nurse Practice Act, will be reviewed by the NPR Committee.
 - a. Arrest or conviction of a felony or misdemeanor.

- b. Fraud
- c. Intemperate use of alcohol or drugs if the use endangers, or could endanger, patients. This includes being on duty in patient care situations while under the influence of alcohol and/or drugs.
- d. Lack of physical or mental competence.
- e. Loss of professional credentials (e.g., Texas RN license and/or job-required certifications such as Cardiopulmonary Resuscitation, Advanced Practice Licensure, etc.).
- f. Notification of a claim of malpractice involving the individual nurse or those students working under supervision of the nurse.
- g. Suspension, termination or other disciplinary action against an employee who is a Registered Nurse for actions which involve the practice of nursing. This does not include actions arising from tenure review, personnel performance evaluation, or other disciplinary actions.

C. Review Process: Duty to Report and Minimum Due Process

1. An NPR may be requested to determine if duty to a patient has been violated as outlined in Section II, A.
2. A licensed nurse subject to an incident-based peer review is entitled to a minimum due process under Texas Occupations Code #303.002(e) (NPR Law). Any person or entity that conducts incident-based peer review must comply with the due process requirements of this section even if the person or entity does not utilize the number of nurses described by the subsection of this section (Texas Administrative Code, Title 22, Part 11, Chapter 217, Rule #217.19).
3. The Peer Review Process will be conducted under current State Board of Nursing Peer Review timeframe guidelines, and the written complaint will be provided to the individual for rebuttal, with provisions for confidentiality of the individual making the complaint. The NPR Committee will determine specific data to be provided by the nurse being reviewed. Examples of data to be provided may include, but not be limited to, evidence of continuing education, evidence of serving on committees, special projects, publications, and teaching/work experiences (Form B).
4. The NPR Committee will review the complaint, the nurse's rebuttal, and other available documents to determine if the nurse undergoing review did in fact engage in conduct that exposed an individual (patient or student) unnecessarily to risk of harm (Form C).
5. The NPR Committee may request, in writing, that other individuals provide responses to specific questions about the incident (Form D). All individuals so contacted will also provide a statement of confidentiality (Form E, attached to this College Procedure).
6. A witness may be asked to provide oral testimony at an NPR Committee meeting. If this occurs, a narrative transcript or recording will be included as documentation. A statement of confidentiality will be obtained from all such witnesses (Form E).
7. A copy of the final report of the NPR Committee will be provided to the individual for rebuttal within 3 days following the final meeting of the NPR Committee (Form F).
8. A copy of the final report of the NPR Committee and a copy of the nurse's rebuttal, if any, will be placed in the official personnel file. The individual will be notified of the NPR Committee's action in writing by the Chair of the NPR Committee (Form J, attached to this College Procedure). The nurse's rebuttal, if any, will be included with the report of the Committee (Form J).
9. The Committee's deliberation (minutes and summary report) will be included in the mandated report to the Texas Board of Nursing within the timeframe recommended by the current Peer Review Policy guidelines for the case being reviewed. The report will be submitted to the Texas Board of Nursing by the NPR Committee Chair following review by College administrative staff (Forms F, I, K).
10. A complaint or report which is determined to be without merit by the NPR Committee and/or District administrative staff will be removed from the individual's personnel files.
11. Meetings of the NPR Committee are held in closed session, with all information considered as confidential. The records of the proceedings must be disclosed to:

- a. The nursing registration board of any state, as appropriate.
 - b. Any law enforcement agency investigating a criminal act. Records of the proceedings will also be available to the immediate supervisor of the individual under investigation and the individual under review. Minutes will be written so as not to contain identifying information about the nurse under investigation whenever possible (e.g., use of case numbers, etc.)
12. Confidential records of the peer review process will be maintained for a minimum of three years in the Office of the Dean of Nursing (Forms A, B, C, D). Digital records may be kept permanently as there is no statute of limitations when nursing violations can be reported to the BON.
13. Established standards of practice by the Texas Nurse Practice Act, rules and regulations of the Texas BON , and professional nursing organizations' guidelines and policies (in place at the time of the peer review) will serve as minimum standards for faculty in similar situations (e.g., Unsafe Clinical Practice guidelines, etc.).
14. The Texas BON will determine what action, if any, is necessary. Individuals under review have the right to appeal through the administrative grievance process of the institution and/or to the Texas BON if:
 - a. The review process was not in accordance with established procedure regarding the NPR Committee.
 - b. The validity of the NPR Committee's judgment is in question.
 - c. The individual does not agree with the recommendations/decision of the NPR Committee.
15. In accordance with the Texas Administrative Code, Title 22, Part 11, Chapter 217, Examining Board, Texas Board of Nursing licensure, Peer Assistance and Practice, neither the individual cited, nor the College, may take adverse action against the complainant in the absence of evidence of intent of malice.



EL PASO COMMUNITY COLLEGE REPORT FORM INDIVIDUAL RN'S REPORT TO BOARD OF NURSING

- A. Texas Occupations Code, Chapter 303, Nursing Peer Review, of the Texas Nurse Practice Act requires Registered Nurses (RNs) to make a signed written report to the Texas Board of Nursing (BON) identifying any RN whom they have reasonable cause to suspect has exposed or is likely to expose a patient or other person unnecessarily to risk of harm because of unprofessional conduct, failure to care adequately for a nursing patient or impaired status.
- B. The BON has adopted Standards of Nursing Practice, Rules of Unprofessional Conduct and Rules Governing Delegation of Nursing Task. These rules provided guidelines for what type of behavior should be reported. Copies of the Nursing Practice Act and these rules can be obtained from the BON.
- C. If you have personal knowledge of RNs engaging in reportable behavior, you are required to report to the BON even if you believe someone else has already reported the RN.
- D. If you don't have personal knowledge of the RN's behavior, you are not required to report if you have reason to believe someone else has already reported the RN.
- E. If you believe or suspect the RN's behavior results from chemical dependency or mental illness, you may report the RN to the Texas Peer Assistance Program for Nurses in lieu of reporting him or her to the BON. Its address and phone number are:

Texas Peer Assistance Programs for Nurses (TPAPN)
4807 Spicewood Springs Rd., Bldg. 3
Austin, TX 78759
1-800-288-5528 1-512-467-7027
Email: tpapn@texasnurses.org
TPAPN Report Forms are available on the TPAPN Website.

- F. The Nurse Practice Act requires that the report be signed.



For College Procedure DLA-1:
Nursing Peer Review Committee

EL PASO COMMUNITY COLLEGE REPORT FROM INDIVIDUAL RN'S REPORT TO BOARD OF NURSING

1. RN BEING REPORTED: (Please provide the following information about the RN being reported. If unknown, state "unknown")

NAME: _____ LIC. # _____
EMPLOYER: _____
HOME ADDRESS: _____ PH. # _____

2. INCIDENT/CONDUCT BEING REPORTED: (Describe briefly. Do not use patient's name. If more space is needed use additional sheets.)

DATE: _____ TIME: _____ FACILITY/PLACE: _____ UNIT: _____
INCIDENT: _____

3. CHEMICAL DEPENDENCY OR MENTAL ILLNESS:

Do you suspect the RN's behavior is related to chemical dependency or mental illness?

Dependency _____ Mental Illness _____ Neither _____

4. PEER REVIEW COMMITTEE INVOLVEMENT

Has the incident been reported to a Nursing Peer Review Committee? YES NO

COMMITTEE: _____ DATE: _____

5. WITNESSES:

Were there witnesses to the incident/conduct or are there other persons who have information about the incident or nurse's conduct? YES NO

6. RN MAKING REPORT: (Provide the following information about yourself)

NAME: _____ LIC. # _____
ADDRESS: _____
HOME PHONE: _____ WORK PHONE: _____

I SWEAR THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE



EL PASO COMMUNITY COLLEGE REPORT FORM INDIVIDUAL RN REPORT OF FACILITIES OR OTHER PRACTITIONERS

- A. Texas Occupations Code, Chapter 303 of the Nurse Practice Act authorizes RNs to report facilities or practitioners (other than RN's) who have exposed a patient to substantial risk of harm as a result of failing to provide patient care that conforms to the minimum standards of acceptable and prevailing professional practice. The report must be a signed, written report and submitted to the licensing board or agency regulating the practitioner or facility.
- B. Texas Occupations Code, Chapter 303 does provide RNs reporting facilities or other practitioner's protection from being sued for making a report in good faith or being discharged or retaliated against for making a report in good faith.
- C. The report may or may not be confidential depending on the statute governing or the policy of the board or agency receiving the report.

.....

1. FACILITY/PRACTITIONER BEING REPORTED: (Please provide the following information about the facility or practitioner being reported. If unknown, state "unknown")

Type of practitioner or facility: _____
Name: _____ License #: _____
Address: _____ Phone #: _____

2. INCIDENT/CONDUCT BEING REPORTED: (Describe briefly. Do not use patient's name. If more space is needed use additional sheets.)

DATE: _____ TIME: _____ FACILITY/PLACE: _____ UNIT: _____

INCIDENT: _____

3. CHEMICAL DEPENDENCY OR MENTAL ILLNESS: If a practitioner is being reported, do you suspect the RN's behavior is related to chemical dependency or mental illness?

Dependency _____ Mental Illness _____ Neither _____

TO:

FROM: CHAIR, NURSING PEER REVIEW COMMITTEE

SUBJECT: RECEIPT OF REPORT

DATE:

The purpose of this memo is to notify you that the Nursing Peer Review (NPR) Committee has received a report based on the incident or conduct described below.

The receipt of a report does not mean any action will result. However, the NPR Committee investigates all reports and does convey its findings to the El Paso County Community College District. The NPR Committee itself does not make the decision of what, if any, action should be taken. That decision is made by the appropriate administrative personnel.

If the NPR Committee's investigation discloses information that could result in disciplinary action against you or if the NPR Committee recommends such action, you will be provided with a detailed summary of the information disclosed or the basis of the NPR Committee's recommendation. In such event, you will be given the opportunity to submit a rebuttal statement of reasonable length. The rebuttal statement will be included with the NPR Committee's report.

When appropriate, you will be contacted by a representative of the committee for your account of the incident. If you have any questions, feel free to contact me.

Incident or Conduct Reported:

Date: _____ Time: _____ Location/Place: _____

Incident/Conduct: (Describe briefly)



EL PASO COMMUNITY COLLEGE NURSING PEER REVIEW COMMITTEE

CONFIDENTIALITY GUIDELINES FOR PARTICIPANTS IN NURSING PEER REVIEW COMMITTEE

The Nursing Peer Review (NPR) Committee functions in accordance with the requirements of Texas Occupations Code Chapter 303 of the Nurse Practice Act. That chapter 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 the NPR Committee to operate. 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 to facilitate the open discussion of opinions by members and other participants in the process. Violating these confidentiality provisions could result in exposure to civil liability both for the person breaching confidentiality and the committee itself. The following guidelines are designed to assist participants to avoid any inadvertent breaches of confidentiality.

RESTRICTIONS ON DISCLOSURE:

1. Member, agent or employee of the committee or a participant in any peer review proceeding may not voluntarily disclosure any communication of the committee or any record or proceeding of the committee. Nor may they be required to disclose such 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 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 proceeding.
4. Peer review committees are required to protect to the extent possible the identity of patients.

RECOMMENDATIONS:

1. You should not discuss any case, except as part of your official responsibilities on the committee. Conversation about a case is one of the easiest ways to breach confidentiality. Discussing a case with a third party or expert to get their opinion or feeling can also result in inadvertently disclosing confidential information. You never know when some seemingly unimportant information will permit the third party to identify whom you are talking about.
2. If you are questioned about a case or your participation in a proceeding, you should respond that the Nurse Practice Act does not permit you to respond to any questions. You should also immediately notify the chair of the committee of the incident.
3. You should refer to individual patients only if the chair of the committee has been consulted. Normally, procedures can be developed to permit a case to be discussed without identifying patient by name.
4. If you have any questions about confidentiality, consult the committee chair.

I HAVE READ THE ABOVE GUIDELINES AND UNDERSTAND AND AGREE TO ABIDE BY THEM.

SIGNATURE

DATE



For College Procedure DLA-1:
Nursing Peer Review Committee

EL PASO COMMUNITY COLLEGE NURSING PEER REVIEW COMMITTEE

PATIENT CROSS INDEX

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

.....

Patient(s): _____ ID#: _____ PCR #: _____

Address: _____ Phone #: _____

_____ ID#: _____ PCR #: _____

Address: _____ Phone #: _____

_____ ID#: _____ PCR #: _____

Address: _____ Phone #: _____



**EL PASO COMMUNITY COLLEGE
NURSING PEER REVIEW COMMITTEE
CASE ACTIVITY SHEET**

CASE NUMBER: _____

1. Date report received by committee: _____
2. Date report received by chair: _____
3. Date reported RN notified of report: _____
4. Date reporting RN notified that the report received: _____
5. Initial investigation (within _____ days of report):

Date initiated: _____ Date completed: _____

Summary of investigation: _____

Summary of results: _____

6. FIRST COMMITTEE MEETING (within _____ days of report): Date: _____

Witnesses: _____ RN: YES NO Other: _____ Position: _____

_____ RN: YES NO Other: _____ Position: _____

_____ RN: YES NO Other: _____ Position: _____

Summary of testimony: _____

Documents reviewed: _____

Findings: _____

Recommendations: _____

7. Further Investigation (If necessary. Within _____ days of committee meeting)

Summary of investigation: _____

Summary results: _____

8. FOLLOW-UP COMMITTEE MEETINGS(S): _____ Date: _____

Witnesses: _____ RN: YES NO Other: _____ Position: _____
_____ RN: YES NO Other: _____ Position: _____
_____ RN: YES NO Other: _____ Position: _____

Summary of testimony: _____

Documents reviewed: _____

Findings: _____

Recommendations: _____

- 9. Detailed Summary of Findings Prepared: _____ Date: _____
- 10. Detailed summary of Findings Provided Reported RN: _____ Date: _____
- 11. RN Notified of Right to Submit Rebuttal Statement: _____ Date: _____
- 12. Rebuttal Statement of reported RN Received: _____ Date: _____
- 13. Rebuttal Statement Reviewed for Length and Patient Identify Information: _____ Date: _____

The EPCCD does not discriminate on the basis of race, color, national origin, religion, gender, age, disability, veteran status, sexual orientation, or gender identity.



EL PASO COMMUNITY COLLEGE NURSING PEER REVIEW COMMITTEE

DETAILED SUMMARY OF PEER REVIEW COMMITTEE FINDINGS

INSTRUCTIONS

- A. This form incorporates the requirements of the Nurses Practice Act. Texas Occupations Code Section 303 requires that if a peer review committee discloses information that could result in disciplinary action or recommends or takes such action that the RN must be provided a detailed summary of the information disclosed or the basis of the recommendations/action. The RN must be provided an opportunity to offer rebuttal information and to submit a rebuttal statement of reasonable length.
- B. Texas Occupations Code Chapter 303 requires that the report to the Texas Board of Nursing (BON) from a facility/employer with 8 or more RNs must include the committee’s “determination” as to whether or not the nurse undergoing review engaged in conduct that exposed, or was likely to expose, a patient or other person unnecessarily to risk of harm because of professional conduct, failure to care adequately for a patient, failure to conform to the minimum standard of acceptable professional nursing practice, or impaired status. This form incorporates this requirement.



Case #: _____

1. RN’s Name: _____ License # _____ Date: _____

2. Alleged Incident: (Describe briefly. Do not use patient name)

Date: _____ Time: _____ Locations: _____ Unit: _____

Incident: _____

3. Summary of evidence and findings: (State in detail. Do not use witness names. Use additional sheet 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 RN did expose
- _____ The RN is likely to cause exposure to

A patient or other person unnecessarily to risk or harm because of:

- _____ Impaired status
- _____ Unprofessional conduct
- _____ Failure to care adequately for patient
- _____ Failure to conform to the minimum standards of acceptable professional nursing practice

b. The committee determined (Check one or more as appropriated)

_____ The RN did not expose

_____ The RN is not likely to expose

_____ The evidence was insufficient to find the RN exposed

_____ The evidence was insufficient to the RN is likely to expose a patient or other person unnecessarily to risk of harm because of impaired status, unprofessional conduct, failure to conform to the minimum standards of acceptable professional nursing care

1. Disciplinary Action: The committee's finding, recommendations and determinations may or may not result in disciplinary action. The decision as to disciplinary action, if any, will be made in accordance with the employer's personnel/disciplinary policies. The committee will convey its findings, recommendations and determinations to the appropriate administrative personnel.
2. BON Action: The committee action does not constitute action by the Board of Nursing. What action, if any, the BON takes against your license will be determined in accordance with the Nurse Practice Act and the Rules and Regulations of the BON. The committee's findings are available to and may be reported to the BON.
3. Rebuttal Statement: You may, if you desire, submit a reply or rebuttal statement of no more than 1,500 words to this statement. Your statement must be submitted to _____, no longer than 10 days from the date of this statement. To protect patient's confidentiality, please do not use patient's names or other identifying information. Any patient's information will be deleted from your statement.
4. Questions: If you have any questions about this statement, please contact _____, _____, Committee Chair.

APPROVED BY COMMITTEE CHAIR

Signature

Date

ACKNOWLEDGEMENT OF RECEIPT BY RN:

Signature

Date



EL PASO COMMUNITY COLLEGE NURSING PEER REVIEW COMMITTEE

PEER REVIEW COMMITTEE'S FINAL REPORT TO SPONSORING FACILITY

- A. This report is designed to be used when the RN has been provided a Detailed Summary of Information (DSI) as required by Chapter 303 of the Nurse Practice Act. To avoid the RN being given one description of the findings and the sponsoring facility another, the Detailed Statement of Facts (DSF) should be the primary document for describing the committee findings.
- B. Texas Occupations Code Chapter 303 does require, before the committee discloses information that could result in disciplinary action or recommends/takes such action, it must provide the RN a detailed summary of the information or the basis of its recommendation/action and give the RN an opportunity to submit a rebuttal statement. This report does not need to be included with the facility's report to the board, but the Detailed Summary and the RN's rebuttal statement do.

Date: _____

Case #: _____

1. RN reviewed:

Name: _____ License #: _____

2. Incident Reviewed: (Describe briefly. Do not use patient names.)

Date: _____ Time: _____ Location: _____ Unit: _____

Incident/Conduct: _____

3. The Detailed Summary of the Nursing Peer Review Committee Findings is attached.

YES NO (required)

4. The Detailed Summary was provided to the RN. YES NO (required)

5. The RN was apprised of the right to submit a rebuttal statement. YES NO

6. The RN has submitted a rebuttal statement. YES NO

7. If the RN submitted a rebuttal, a copy is attached. YES NO

8. Is it suspected that the RN's conduct is related to chemical dependency or mental illness?

Dependency Mental Illness Neither _____

9. Recommendations/Comments: _____

Signature Committee Chair



EL PASO COMMUNITY COLLEGE REPORT FORM TO BON INSTITUTION/FACILITY/EMPLOYER WITH 8 OR MORE RNs

1. Texas Occupations Code Chapter 303 of the Nurse Practice Act requires any facility, institution, agency or individual that employs, hires or contracts for the service of registered nurses to report to the Texas Board of Nursing (BON) any RN that it terminates, suspends or takes other substantive disciplinary actions against because the RN exposed or is likely to expose a patient or other person unnecessarily to a risk of harm because of unprofessional conduct, failure to care adequately for a patient, failure to conform to the minimum standards of acceptable professional nursing practice, or impaired status.
2. Chapter 303 requires the report to the BON be in writing and include name of the nurse and other pertinent information within the knowledge of the facility/employer.
3. The BON has adopted Standards of Nursing Practice, Rules of Unprofessional Conduct and Rules Governing Delegation of Nursing Task. These rules provide guidelines for what type of behavior should be reported. Copies of the Nurse Practice Act and Rules and Regulations of the BON can be obtained from the BON.
4. If the reported RN has gone through a peer reviewed process, Section 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 BON. This form attempts to reflect these conditions. Facilities or employers with 8 or more RNs must incorporate peer review into their reporting to the BON.
5. If it is suspected that the RN's conduct is related to chemical dependency or mental illness, the RN may be reported to the Texas Peer Assistance Program for Impaired Nurses (TPAPIN) in lieu of being reported to the BON. TPAPIN's address and phone are:

Texas Peer Assistance Program for Impaired Nurses
4807 Spicewood Springs Rd., Bldg. 3
Austin, TX 78759
1-800-288-5528 1-512-467-7027
Email: tpapn@texasnurses.org



1. RN being reported (Provide the following information about the RN being reported)

 Name: _____ License #: _____
 Address: _____ Phone #: _____
2. Incident being reported (Describe briefly. Do not use patient's names. Use additional sheets if necessary.)

 Date: _____ Time: _____ Facility/Place: _____ Unit: _____
 Incident/Conduct: _____

The EPCCD does not discriminate on the basis of race, color, national origin, religion, gender, age, disability, veteran status, sexual orientation, or gender identity.

3. Disciplinary Action (indicate how RN was disciplinary)

Terminated: _____ Suspended (indicate length of time): _____
Other (describe): _____ Not Disciplined: _____

4. Peer Reviewed

Was the incident reviewed by a nursing peer review committee? YES NO (required)
Committee Chair: _____ Phone #: _____
Is a copy of the committee's report enclosed? YES NO (required)
Did the RN submit a rebuttal statement? YES NO (must be given opportunity)
Is a copy of the rebuttal statement attached? YES NO (required)

5. Chemical Dependency or Mental Illness

Is it suspected that the RN's behavior is related to chemical dependency or mental illness?
 Dependency Mental Illness Neither _____

6. Witnesses

Were there witnesses to the incident/conduct or are there other persons who have information about the incident/conduct? YES NO

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

Name: _____ Phone #: _____
Address: _____
Does the Entity employ or use the services of 8 or more RNs? YES NO
Person Submitting Report: _____
Title: _____ Phone #: _____

I SWEAR THAT THE INFORMATION PROVIDED IS TRUE TO THE BEST OF MY KNOWLEDGE.

Signature

Date