

EVALUATING BOARDS' DISCIPLINARY PROGRAMS

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Q5: Does Your Board Require Licensees to File Complaints against Other Licensees if They Know of Dangerous, Unethical, or Incompetent Behavior? Yes No

Q6: Does Your Board Require Provider Institutions (Such as Hospitals, Clinics, Nursing Homes, and Managed Care Organizations) to Report to the Board Disciplinary Actions They Take Against Licensees? Yes No

Part II Keeping Complainants Informed About the Status of Their Complaint

Q7: Does Your Board Have a System for Promptly Acknowledging Receipt of Complaints? Yes No

Q8: Does Your Board Periodically and Automatically Communicate With Complainants about the Status of Their Complaint? Yes No

A. Does Your Board Have an Ombudsman Who Personally Assists Complainants? Yes No

Part III How Well Does Your State Investigate Complaints and Allegations of Substandard Care?

Q9: How Are Priorities for Investigation Set?

A. Do You Have A Written Policy For Complaint Prioritization? Yes No

B. Does Your Board Have an Adequate Number Of Investigators? Yes No

How Many Investigators are there per 1,000 Licensees? _____
Fill In

C. Are Your Investigators Well Trained by Your Board? Yes No

D. Are Investigators Required to Interview Each Complainant? Yes No

Q10: How Long Does It Take to Resolve Complaints

A. Average Length of Time _____
Fill In

B. Longest Length of Time _____
Fill In

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Q11: Do Investigative Staff Have the Power to Subpoena Patient Records and other Pertinent Information? Yes No

Q12: When an Investigation Is Completed, Who Has the Power to Decide Whether to Close the Case, or to File Formal Charges Against a Licensee?

A. The Investigator? Yes No

B. The Board Staff? Yes No

C. The Board (or a Committee of the Board)? Yes No

Part IV Negotiated Settlements

Q13: Does Your Board Process Allow for Complaints to be Resolved by Negotiated Settlement? Yes No

A. If Yes, What Percentage of Cases are Resolved by a Negotiated Settlement as Opposed to Proceeding to a Formal Hearing? _____
Enter the Percentage

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B. Who Has Final Authority to Accept a Negotiated Settlement?

1. Board Staff? Yes No

2. The Board or a Committee of the Board? Yes No

C. Are Complainants Allowed to Comment (In Person or In Writing) at any Time during the Negotiated Settlement Process? Yes No

D. When a Case is Resolved via a Negotiated Settlement, How Long Does it Take from the Time an Investigation Begins until the Final Negotiated Settlement Is Approved? Average Time _____
Longest Time _____

Part V Formal Disciplinary Hearings

Q14: Who Conducts Formal Hearings at Your Board?

A. Administrative Law Judges Yes No

B. The Board, or a Committee of the Board Yes No

C. Other Who? _____
Fill In

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Q15: If Your Board's Formal Disciplinary Hearings are Conducted by an Administrative Law Judge, does the Administrative Law Judge...

A. Have Final Say as to the Outcome? Yes No

~~ OR ~~

B. Have the Power to Make a Recommendation to the Board? Yes No

Q16: Are There Written Guidelines That Apply to the Type of Discipline That is Appropriate for Different Types of Cases? Yes No

Q17: If a Licensee Appeals a Final Order, is Execution of the Order Automatically Stayed During the Appeal Process? Yes No

Q18: When a Case Is Resolved Via A Formal Hearing, How Long Does It Take From the Time Formal Charges Are Brought To a Final Board Order (Excluding Appeals)

Average Time _____

Longest Time _____

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Q19: Does the Board Have the Power to Summarily Suspend A License If A License Poses A Danger To The Public?

Yes

No

A. If Yes, How Often Has This Authority Been Utilized?

 Fill In

Part VI Follow Up To Discipline

Q20: Does the Board Monitor Its Orders And Its Negotiated Settlements To Assure Compliance?

Yes

No

Q21: Does Your Board You Think It Should?

Yes

No

Part VII How Is The Public Kept Informed Of Pending And Final Disciplinary Actions?

Q22: Can Members of the Public Find Out The Names of Licensees Who Have Been Disciplined?

Yes

No

A. Is This Information On Your Web Site?

Yes

No

B. Is it Complete and Accurate?

Yes

No

Q23: Does the Board Regularly Issue Press Releases, Newsletters, or Other Reports about Final

Yes

No

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Actions Against Licensees?

Q24: When Does Your Board Publicly Disclose the Name of a Licensee Subject to Discipline? Yes No

A. When Formal Charges are Filed by the Board? Yes No

Or

B. Not Until a Final Order or Negotiated Settlement has Been Approved? Yes No

Q25: Does Your Board Regularly Publish (in an Annual Report or Elsewhere) a Detailed Statistical Report, Covering Such Things as Number of Complaints Received, Number of Investigations Completed, Number of Complaints Dismissed Without Action, Number Of Disciplinary Actions Taken, Types of Discipline Imposed, Time to Resolve Complaints, etc. Yes No

Q26: Are These Reports...

A. Easy To Read? Yes No

B. Distributed Widely Enough? Yes No

C. As Complete As They Should Be? Yes No