





some light symptoms and is hyper during the visit with the provider, with the nurse practitioner. And is sitting there with a sippy cup of Kool-Aid and the nurse practitioner examines the child and has seen the child before, knows the child and the mother well, and mom needs to get back to work, but she's concerned about her child. Can't really explain what's going on with the child rather t

board needs to take care of it. Safety, genuine concerns for safety. Professionalism, this person just isn't behaving... It is not professional to do this. It could be that they're a friend and the only way that they can connect and solve the problem that they see with this provider is by reporting to the nurse board. Many of them are seeking self-empowerment. They don't have the power to fix the problem themselves, they are looking to you to fix the problem. But they still see it as their problem, as their experience. And so they're looking to you for self-empowerment and that's either an individual or it's an organization that is struggling with a nurse, they've done what they can with the nurse, there needs to be nurse board response, and the employer is looking for self-empowerment because it is useful to have the nurse board engage in disciplinary action and that's the self-empowerment of the organization. It could also be a competitor. It could be someone who's so incredibly biased that really their only motivation is competition. And that bias overrides everything and that's hard to see. That's hard to appreciate if the competitor is wily enough in the way that they approach you. These are the different motivations of complainants. The frustrations. Lack of transparency. The process of confidentiality breeds lack of transparency from both perspectives, but particularly from a complainant's perspective. The complainant doesn't get to be on the inside of the investigation. The complainant doesn't get to enjoy two colleagues going down the hall of the nursing board saying, "Hey, what about this? How do I look at this? Well, let's go get these records and we'll take another look at it." They don't get to see the teamwork and the back and forth and the growth of perspective that happens internally. They don't have that, there's not that transparency. They don't know what's going on. They're going on with their lives, but they don't know what's going on at the board. The perspectives of others. They're having to rely on the perspectives of others. It's out of their hands. Your perspective, the perspective of others is what's going to end up controlling what happens to their complaint. Lack of remedies. In Texas, we don't like lawsuits and we don't like giving people money for getting hurt. It's just who we are in Texas. That's not a political statement, that's... I'm not saying I'm a fan of that or I've got a problem with that. I have an opinion, I'm just going to be polite and not to share it. The fact of the matter is that there are not many remedies in most states. There's not enough remedies to solve what complainants really need because money doesn't solve it. The fact of the matter is that there's precious little that's going to really solve many of the problems that complainants bring to you. Fear of retaliation. This mom had no reason to fear retaliation, this mother I was talking about had no reason to fear retaliation from this nurse practitioner. But this nurse practitioner is the provider in this rural clinic. How does the mom feel now about going back to that clinic even if she found out there wasn't a mistake, even if she found out that the care that was provided was appropriate? She naturally probably has some sense of anxiety about going back and some fear that because she filed a complaint, she's not going to be treated as well as the next family because this nurse must know that she filed a complaint with the nurse board. Scope of the final decisions. That's a frustration because you go through this confidential investigative process and disciplinary process and then, in the end, all the complainant gets is this limited scope of a final decision. They don't get to know the horse trading that happened and the sifting of facts and the sifting of consequences that happened. They don't get to know any of that. They don't get to see that progress. All they see is a cold black and white couple of sentences about what was incredibly important to them. So, that's the complainant's perspective and to be clear on that case, I don't know that the mom complained to the board. It could've been that the big city child



thing she cannot escape is, I must have done something wrong. I'm the only person between the visit in the morning and the trip to the hospital. This is me, I'm the captain of the ship, I was the person that was supposed to be managing all of this. I'm so overwhelmed. And then she goes back to work the next day and each day after that with the investigation pending and her defense team trying to come up with records and help get the story that's accurate and has integrity, but is respectful to how she feels and respectful to the family, but that clarity is not there for this target potentially to-be disciplined licensee. That clarity is not there when she's responding to the board. There's just this underlying grinding fear. And how do you put that away? That something you did was the opposite of what your life's mission is about? Because you're human and she could've made a mistake in this situation. Turns out she didn't, but she could've. Any one of those systems could've failed and this baby could've died. And that reality is something that a licensee has to deal with every day, but when they have a case pending at the board, that's a grinding overwhelming fear and that infects everything and every perspective that they have. And if they're mature and they get an opportunity to reflect and they have the appropriate support from their employer and the appropriate support from their counsel and the board is being respectful and hopefully, there's enough transparency so that there's an understanding of what happened, then there's support and then they can at least set it aside for a while. But make no mistake, that's grinding. When you've been doing this for a long time and something like this happens or you've been doing it for a very short period of time and something like this happens, the existence of the investigation by itself is grinding because you associate everything negative about your fears, your deepest fears, your horrible fears. You're associating with that board, you're associating with that investigation and it's very easy to feel victimized, and targeted, and self-righteous and that gets in the way of figuring out, hey, how much of this was my responsibility and how do I come at this as clean as I can, and how do I deal with this and take the time out of my practice in order to help get to the truth and get things communicated across? That is a very complicated melting pot of emotion and perspective and that is the perspective that has to do with self-preservation, the effort for self-empowerment, the mental health of the provider. I make this suggestion frequently that my clients get counseling. Doesn't happen very often as big a mental health advocate as I am and I've counseled folks for a long time. It's very rare that a client of mine during an investigation will go get support. And whether that's from family, whether that's a mental health provider, it's very rare that they get support because it's just an investigation and they're trying to put it aside and they're not going to take an investigation that's surely going to amount to nothing and go take the time out of their day to go sit down with a psychologist and actually deal with what they're feeling or talk to their spouse about it or anything else. There's a strong sense of repression. Mitigation. How do I fix this? And there's a certain amount of sliding that some people do. Their memory is a little different than what actually happened because they're trying to mitigate it, they're trying to fix it, they're trying to control it. They have this idea that they can control certain

interview we got to do, close the file, move things along. That's what everyone's day is, whether it's your day, whether it's my day, whether it's the complainant's day or the disciplined licensee's day. It's moving things along, moving things along, but when you're the target, it is an incredibly complex emotional situation. Frustrations of a disciplined licensee. Inspections and subpoenas. Subpoenas show up, generally there's not much information about why. Inspections show up, generally there's not much information about why. By design, appreciate that's how the system works. That's scary and that causes people to get myopic, that fear causes them to get myopic and it's hard to get at the truth when you're facing an inspection, a subpoena, or something official. It's a natural human reaction to be anxious when someone is the subject of an investigation, or an inspection, or a subpoena. There's an inherent lack of transparency in an investigation. That right there is a frustration. If you're on the other side of that and you don't know what the nursing board is doing and you don't know what's happening on the other side because you can't, that's frustrating. In Texas, the nurse board has a rule that says, "You don't have to

up to it. I missed it or I did something wrong, but it was a mistake. It's mine, I own it. Do what you're going to do. The problem is that you're going to look at that mistake in a vacuum because you don't know me, you don't know who I am, you don't know who my boss is, you don't know who my patients are, you don't know what my community thinks. This decision is going to be made in a vacuum based on a single mistake that I made. You shouldn't go out and interview my community and get to know me. You can't know me like my wife knows me. You're inherently making a decision about my mistake in a vacuum and that scares me and that makes me feel like the system is unfair and that makes me feel like a mistake



and reaches out into nature. That's what that looks like to people, that's what people thought was...a lot of people think is the most dramatic part and the genius of Frank Lloyd Wright among many others. But that idea that the second floor, the second cantilever, not only is a cantilever, but it's out further than the