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California Nurses Placed on Probation, 2004-2005

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Purpose of this study

- **Understand the characteristics and outcomes of RNs placed on probation**
  - What are the reasons for probation?
  - What are their demographic characteristics?
  - How many of them complete probation successfully?
  - How many recidivate?
- **Assess factors that may impact successful completion of probation**
- **Framework and comparison: NCSBN studies published in 2009**
  - Analysis of data submitted by six states
  - Analysis of already-existing data from 44 states

Methods

- **Data on 282 RNs placed on probation in 2004 or 2005**

- **BRN used the data extraction form created by NCSBN**
  - Demographics, initial RN education
  - History of legal and disciplinary action prior to probation
  - Outcomes of probation

- **Control group of 298 RNs with no probation history as of 2005**
  - Demographics, initial RN education
  - History of legal and disciplinary action prior to probation
  - Subsequent probation or criminal action

Characteristics of RNs on probation

	RNs on probation	All employed CA RNs	Control group
Average age	45.9 years	47.1 years	45.5 years
< 30 years	2.8%	7.6%	4.7%
30-39	20.9%	20.1%	17.8%
40-49	42.9%	27.0%	42.6%
50-59	28.8%	31.6%	30.5%
60+	4.7%	13.8%	4.4%
Men	25.9%	9.1%	24.7%

RNs placed on probation are slightly younger.
RNs on probation are more likely to be men.

Men vs. women

- **Men on probation were younger**

  - 44.6 vs. 46.3 years

- **Men had less nursing experience**

  - 11.5 vs. 15.5 years

- **Men more often had prior criminal history**

  - 43.1% vs. 21.6%

- **No difference in:**

  - Initial RN education

  - Grounds for discipline or prior discipline

  - Employment setting when incident occurred

  - Recidivism

Characteristics of RNs on probation

Initial RN education	RNs on probation	All employed CA RNs	Control group
Diploma	5.3%	15.7%	8.4%
ADN	63.8%	47.3%	63.1%
BSN	24.5%	35.5%	23.2%
MSN	0.4%	1.6%	2.7%
Military	0.7%		1.0%
Other/unknown	5.4%		1.7%
California	62.1%	56.7%	43.6%
Other state	26.2%	25.6%	42.0%
International	11.4%	17.8%	14.1%
Philippines	7.8%	11.6%	6.7%

RNs placed on probation are more likely to have an AD for their initial education, and less likely to be internationally-educated

Philippine vs. non-Philippine educated

	Philippines	Not Philippines
Had a previous criminal history	9.1%	28.5%
Participated in BRN diversion program	0.0%	19.7%
Worked in a hospital when put on probation	45.5%	71.9%
Assigned chemical dependency evaluation and treatment for probation	0.0%	62.8%
Completed probation	86.4%	51.2%
Recidivated	13.6%	40.6%

Employment at time of probation incident

	RNs on probation	All employed RNs
Hospital	59.2%	62.7%
Ambulatory care	5.0%	15.9%
Long-term care	9.6%	2.3%
Home health	3.2%	3.0%
Other	8.2%	16.3%
Unknown	14.9%	
Working for a registry	12.4%	4.2%
Incident occurred at work	71.3%	

Prior offenses and discipline

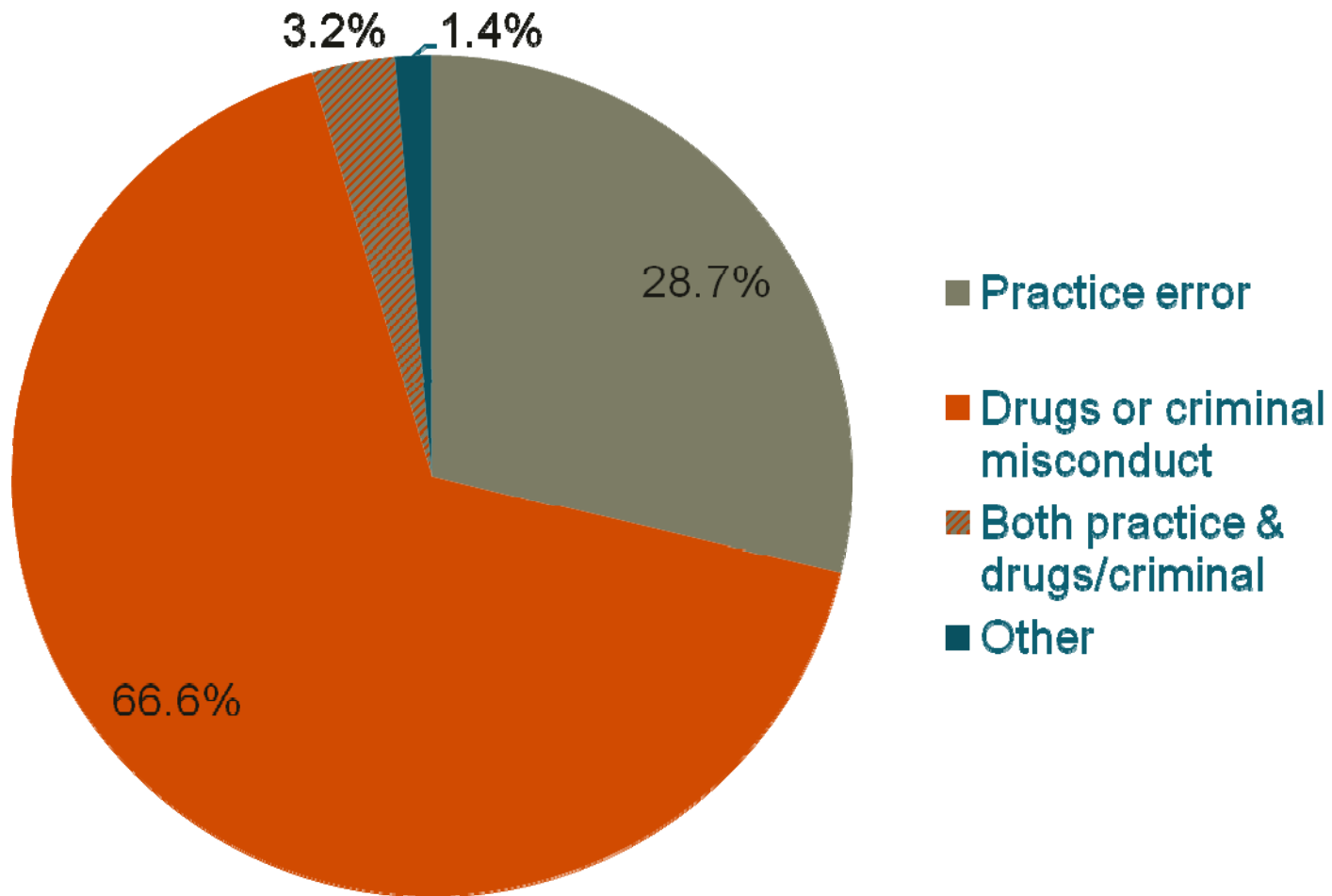|	Disciplined RNs	Control group
Had prior criminal history	26.6%	9.7%
Prior BRN discipline	17.7%	
Had been in BRN diversion	18.1%	

NCSBN study:
35% of disciplined RNs had criminal history
3% of non-disciplined RNs had criminal history

Likelihood of previous criminal or disciplinary history

- **More likely to have a prior criminal history if…**
  - Male
  - 40 years or older
  - Received RN license more recently
  - Not educated in Philippines

- **More likely to have prior BRN disciplinary action or diversion if…**
  - Licensed by NCLEX exam in California (as opposed to endorsement)
  - Licensed for a longer period of time

Grounds for probation

- 3.2%
- 1.4%
- 28.7%
- 66.6%

Legend:
- Practice error
- Drugs or criminal misconduct
- Both practice & drugs/criminal
- Other

Detail on grounds for probation

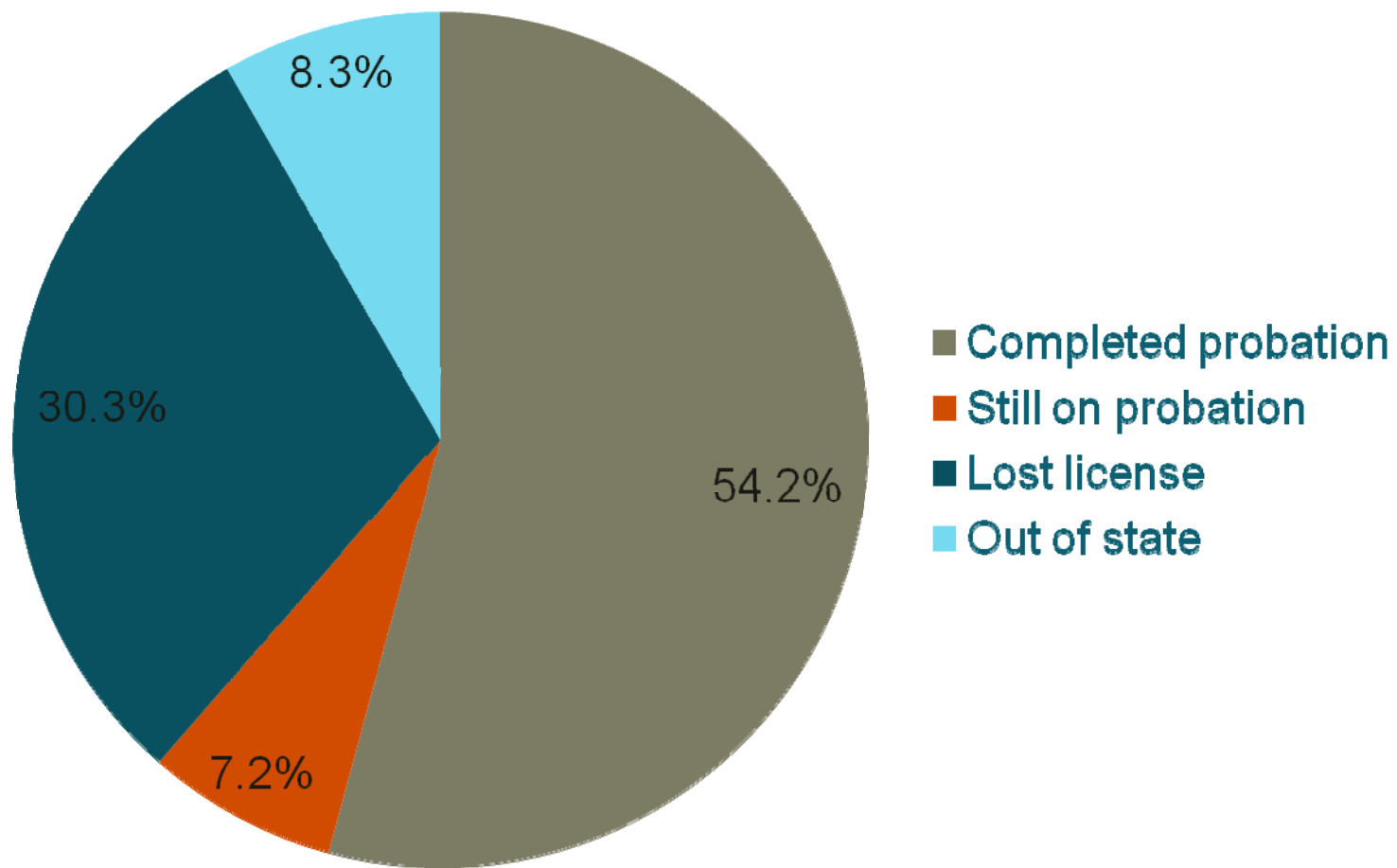|	Number of cases	Percent
Practice error	81	28.7%
Patient harm	22	27.2%
Patient death	15	18.5%
Drugs or criminal misconduct	188	66.6%
Drugs/alcohol	146	77.7%
DUI	19	10.1%
Criminal misconduct	50	26.6%
Both practice & drugs/ criminal	9	3.2%
Other	4	1.4%

Nurses are more likely to have a practice error-related probation if…

- **They were educated in the Philippines**

- **Were 40 years or older**

- **Had no criminal record**

- **Did not work in a hospital**
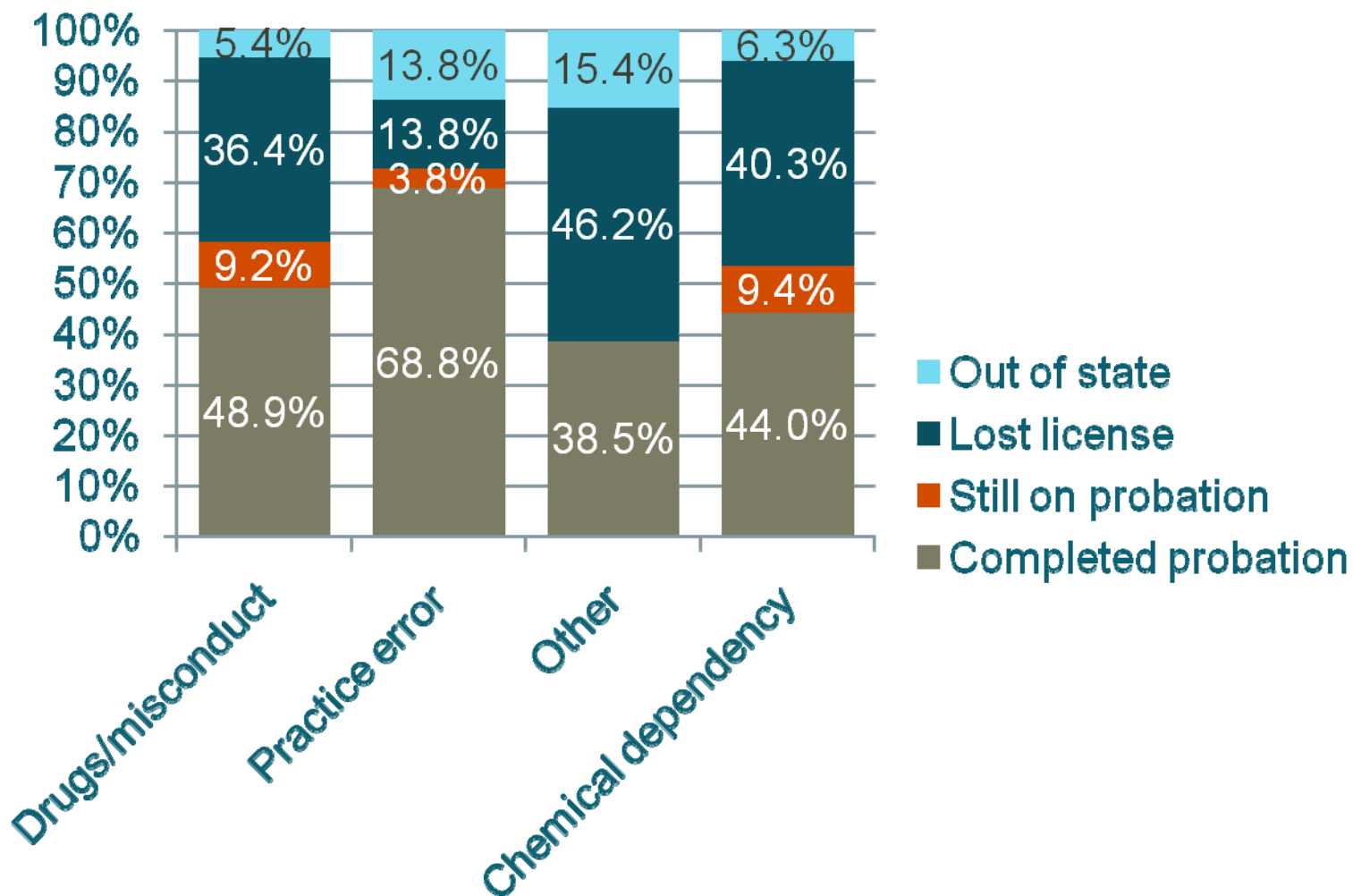
- **Had not been on diversion**

Otherwise – more likely to have a drug/criminal misconduct related probation.

Outcomes of probation

Reasons for not completing probation

	Total	Drugs/ miscond.	Practice error	Other
Chem dependency compliance	51.2%	62.8%	4.0%	62.5%
Reports from employer, self, other	40.9%	43.6%	40.0%	12.5%
Mental health eval & treatment	29.1%	34.0%	16.0%	12.5%
Cost recovery	27.6%	28.7%	32.0%	0.0%
Complete education requirements	25.2%	24.5%	36.0%	0.0%
Obey all laws	19.7%	23.4%	4.0%	25.0%
Physical evaluation	19.7%	23.4%	8.0%	12.5%
RN available for BRN interviews	10.2%	12.8%	4.0%	0.0%

More likely to complete probation if…

- **Practice error was the grounds for probation**

- **Not a chemical dependency-related probation**

- **No prior discipline**
  - 58.2% vs. 38.0% complete

- **No prior diversion**
  - 57.5% vs. 39.2% complete

- **Do not change employers during probation**
  - 75.7% vs. 48.6% complete

- **Internationally educated (75.0% complete)**
  - Not educated in another state (40.3% complete)

Recidivism

- **Defined as:**

  – Failure to comply with probation requirements OR

  – Subsequent complaint received by BRN OR

  – Subsequent arrest or conviction

	Recidivated
Overall	38.3%
Drugs/ misconduct	45.7%
Practice error	21.3%
Other	38.5%

NCSBN found that 39% recidivated.

More likely to recidivate if…

- **Drugs or criminal misconduct were the grounds for probation**

- **Had prior criminal history**
  - 55.4% vs. 30.5% recidivate

- **Had prior discipline**
  - 52.0% vs. 34.7% recidivate

- **Prior diversion**
  - 52.9% vs. 35.0% recidivate

- **Change employers during probation**
  - 44.4% vs. 25.0% recidivate

- **Educated in CA (44.4%) or another state (39.5%)**
  - Internationally-educated: 18.8% recidivate

Holding all factors constant…

- **More likely to complete probation if:**
    - Committed a practice error (24.1 percentage points more likely)

- **More likely to recidivate if:**
    - Committed drug or misconduct offense (17.3 percentage points more likely)
    - Worked at a hospital when incident occurred
    - Had prior criminal history
    - Changed employers during probation period

Summary of key findings

- **Nurses who were disciplined were somewhat younger, and were more often men, had an AD, and worked for a registry.**
  - They were less often internationally educated
- **Majority committed drug or criminal misconduct offenses (67%).**
  - 53.5%had a drug or alcohol violation (NCSBN: 25%)
- **54% completed probation**
  - More likely to complete if had a practice error
- **38% recidivism (NCSBN rate: 39%)**
  - More likely if had drug or criminal misconduct
- **Prior criminal history, BRN discipline, or diversion associated with higher recidivism.**