



Nursing Practice & Patient Advocacy Alert

Protecting Your Patients and your License

How to Deal With Practice and Patient Advocacy Issues

Health care restructuring continues to endanger the ability of the nurse to practice safely and provide patients with quality care. In addition, clinical restructuring has undermined the ability of nurses to fulfill their legal mandate to act as patient advocates. As rapid changes are implemented in health care settings, RNs are often witnesses to unsafe or compromised patient care conditions.

Important resources for protecting patients and your license in these situations are:

- CNA's Assignment Despite Objection (ADO) form
- The Professional Performance Committee (PPC) at your facility
- CNA's Nursing Practice Department
- Regulatory agencies such as the Board of Registered Nursing (BRN) and the Department of Public Health (CDPH)

Advocating for your ability to provide safe, quality care for your patients is one of the most important activities that you as a registered nurse can undertake to protect yourself and your patients. In fact, the *California Code of Regulations* under Title 16, **requires** nurses to act as patient advocates.

One of the first steps in the advocacy process is documentation. Fill out ADOs every time you are given an unsafe assignment. Remember, an unsafe assignment may simply be one where you were unable to provide all the care that each patient needed in a timely manner, while allowing you appropriate rest and meal breaks. A patient does not have to have a sentinel event for an assignment to be unsafe. Encourage your co-workers to fill ADOs out when appropriate. Try to have everyone on the shift in question sign the ADO. There is strength in numbers.

Go to your PPC meeting and discuss the problems with your colleagues. Together, look at all of the collected ADOs for trends and recurrent issues. Identify the problems that you want to work on. Discuss and plan solutions. Ensure that the PPC does information requests as needed, in order that the group has all the facts that might be useful in crafting a solution. Contact CNA's Nursing Practice Department if you need additional guidance. Bring the Quality Liaison (Kaiser facilities) assigned to your institution into the process, as appropriate. Carry forward your documentation and solutions to management. Negotiate a solution. Remember, as the PPC, you are empowered by your contract to effect change to improve patient care.

As a PPC, you may elect to report the problem to the appropriate regulatory agency, such as the BRN or CDPH. Nurses and others who blow the whistle on unsafe patient care to outside sources are protected from retaliation under state law and by the CNA contract. In the 1999 legislative session, the Whistleblower Protection Act, sponsored by CNA, was signed into law. If a nurse is fired within 120 days of reporting unsafe conditions, the law provides that the employer must bear the burden of proof to show that the firing was not retaliatory.

Remember, fighting to resolve unsafe conditions is not just a good idea, it is the law!