

# Peer Review

The Nursing Peer Review process is how the Nursing Program ensures ongoing 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 including:

1. the evaluation of the accuracy of a nursing assessment and observation and the appropriateness and quality of the care rendered by a nurse;
2. a report made to a nursing peer review committee concerning an activity under the committee's review authority;
3. a report made by a nursing peer review committee to another committee or to the Board of Nursing (Board) as permitted or required by law;
4. implementation of a duty of a nursing peer review committee by a member, an agent, or an employee of the committee; and
5. 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 or report under Chapter 301 of the Texas Occupations Code or other state or federal law;
  - the rights and obligations of and protections for nurses who request nursing peer review under this chapter;
  - nursing practice and patient care concerns; and
  - the resolution of workplace and practice questions relating to nursing and patient care.

When addressing a report of an unsafe condition:

1. **Incident-based nursing peer review**, which focuses on determining if a nurse's action, should be reported to the Board, or if the nurse's conduct does not require reporting because the conduct constitutes a minor incident that can be remediated at the school level. The review includes whether external factors beyond the nurse's control may have contributed to any deficiency in care by the nurse, and to report such findings to the Director of Nursing Education as applicable.
2. **Safe harbor nursing peer review**, 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 Nursing Practice Act (NPA) or Board rules. Safe harbor must be invoked prior to engaging in the conductor assignment for which nursing peer review is requested and may be invoked at any time during the work period when the initial assignment changes.

A review committee will be made up of at least three professional nurses, consist of at least 75 percent licensed nurses, and will be designated by the Director of Nursing Education. This committee may be empaneled to respond to incidents or for systemic review. The committee's recommendation shall be provided to the Director of Nursing Education.

This committee will keep meeting minutes. However, all proceedings of the nursing peer review committee are confidential and all communications made to the committee are privileged. A member, agent, or employee of a nursing peer review committee or a participant in a proceeding before the committee may not disclose or be required to disclose a communication made to the committee or a record or proceeding of the committee. A person who attends a nursing peer review committee proceeding may not disclose or be required to disclose information acquired in connection with the proceeding or an opinion, recommendation, or evaluation of the committee or a committee member. A nursing peer review committee member and a person who provides information to the committee may not be questioned about testimony before the committee or an opinion formed as a result of the committee proceedings. All information made confidential is not subject to subpoena or discovery in any civil matter, is not admissible as evidence in any judicial or administrative proceeding and may not be introduced into evidence in a nursing liability suit arising out of the provision of, or failure to provide, nursing services.