

# Professional regulation and criminal liability paper essay sample

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This paper summarizes the following relation for one type of health care professional namely Nurse Practitioners that works in the state of Pennsylvania. Patient's health care and their safety are significantly important throughout this entire paper. All things related to NP's were taken into consideration; such as, the rules, regulation and standards that is required by law. However, regulations of nursing practices does vary from one state to another but in Pennsylvania; the state Board of Medicine (BOM) and the Board of Nursing (BON) controls registration, licensure and certification requirement of NP's that practice medicine throughout the Commonwealth of Pennsylvania. A nurse practitioner today is a well-known health professional, and they are recognized as nurse-midwives; practitioner of oriental medicine; athletic trainers and per-fusionists; physician assistants; respiratory therapist; radiology technicians and acupuncturists. They are well qualified and licensed independent health professionals that practice medicine inside and outside the Commonwealth of Pennsylvania (State Board of Medicine - Mission Statement - Pennsylvania, 2014).

Nurse Practitioners have been shaping the future of today's health care system for decade now; NPs play an important role in health care for many Americans around the world. Their roles have revolved around the significant of patients and their health care needs. Not all but some patients would have the confident in receiving health care from an Advanced Practice Registered Nurse (APRN) or a clinical nurse specialty's, a nurse anesthetist, and probably a nurse mid-wife. The four roles that were previously mentioned have placed their roots in many advanced nursing practices for decades and still place a mark within the health care delivery system presently (Fairman,

2008). The patient- physician relationship is very important and the patient invests hope in NP's to provide them care. The NP behaviors must be appropriate at all times toward the patient, and the NP should be competent to perform and handle their patient's health in such a safe manner. Nurse's practices should be in compliance with the law and practice in an ethically sound professional manner. When patients see the nurse's practice as a problem and have to file a civil complaint or suspect professional misconduct.

In most states, a required written and signed description of the practice or behavior would be the process if the individual felt as though the health practice behavior is unethical, incompetence or in violation of their nursing obligation relating to the law (National Council of State Board of Nursing, n. d.). Whether it is Pennsylvania or another state the patient live in, complaint forms are made available to patients and consumers on the Board office website that regulate the nursing practice license (National Council of State Board of Nursing, n. d.). ). In any event, if a patient suspects their health practitioner put in view any wrongdoing of incompetence or misconduct. The patient can even call the Board office and request the information they need about filing condition. Patient should seek answers by asking questions to determine what is considered health care violation and what is not. Health practice violation has three different categories unprofessional conduct, mental or physical condition and unlicensed practice (David, 2010).

These three violation apply to all health care professionals. The patient who is making a complaint should make sure that they give the office as much

information as possible, so that the office will be able to tell the consumer whether or not that the nursing practice behaviors is in violation of the board rule and law so that the board would be able to enforce the right authority to handle their complaint (National Council of State Board of Nursing, n. d.). At the bottom of the NCSBN website there is a PDF brochure description for consumers or patients that service as a guiding tool. In any event, that a consumer or patient that witness or have experienced a nursing practice displaying incompetent behaviors or unsafe practices. The brochure explained the nursing practice role and responsibilities, and also provides insight about what to expect at least when a complaint is in view of an investigation (National Council of State Board of Nursing, n. d.).

There are several regulatory agencies that exist in Pennsylvania to tackle medical negligence by act or omission by a practitioner whenever the patient feel their treatment have fallen below the accepted standards of their health provider practice. These include the health related professional licensing boards and Commissions, Nursing, the Bureau of Professional and Occupational Affairs (BPOA), State Board of Nursing (BON) and the American Nurses Association (ANA). The state Board of Nursing (BON) and the American Nurses Association (ANA) are the respective regulatory agencies a patient would look to address or report practitioners at their wrongdoings. When nursing practices are investigated or when allegation is made against the practices, these control agencies does the disciplinary action. These government agencies that are a part of the state board of nursing have the authority in regulating nurse's practice.

The board responsibility is to protect the public, and the board must ensure that the nursing practices are capable as well as qualified in this principles (“Roles of State Boards of Nursing: Licensure, Regulation and Complaint Investigation”, n. d.). The Board of Nursing has a list of responsibilities. This include, the developing of policies, and supervisory of rules and regulation. With regards to this, the Board of Nursing also enforces and interprets the state nurse practice act. Whenever the BON has to do an investigation complaint regarding any nurses defiance, the (BON) would hold a legal proceeding (hearings) on the nurse who hold the license. The (BON) have to determine what action must take place against the license holder, and administer whatever disciplinary they think is necessary for the nurse violation based on what evidence was found. There is a variety of situation that come about which might lead to a doctor or practitioners finding them liable for action which might be considered misconduct or malpractice.

In some of these cases are delays in patient treatment, an error in their medical judgment, patient medical records probably have been alternated, a patient injury or death may be and ending result that can bring charges of negligent. Things of this nature can lead to an NP license or even imprisonment. A patient or consumer suspect malpractice by the Registered Body relating to any criminal records Bureau Code of Practice should report the situation to the Criminal Record Bureau. In addition, any practitioner is might be found of a violation, other disciplinary action can occur such as; place on probation, suspension, reprimand or their license can be permanent revoked. Every state justice system process of criminal act differs from one another; even though each state has common general stages. By law there

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will always be an investigation foremost and the strict enforcement agency will do the proceedings. Most likely, the Office of Inspector General office of the United State Department of Health and Human services will lead the investigation process.

The agency will need to provide a search warrant so that they can gather and collect any evidence of whatever information that was allocated regarding the crime. If there are any witnesses, they would be asked questions about what they know so that the law enforcement would be able to get a clear understanding of whatever story is being told. In some cases, an arrest can happen right on the spot if the evident is very clear of the felony or the crime is a misdemeanor. Sometimes it could result in a preliminary hearing for the practitioner or the health practitioner can be indicted for the crime that was committed. Conclusion, this paper has informed the reader about what is considered a criminal act by nurse practitioner.

The patient or consumer was given the necessary steps to take in how to process a complaint against NP if ever they felt their rights as a patient were being violated. Patients were asked to provide much information as they could about the complaint they are making against the health practitioner. Many nurse practitioners do care and treat their patient's well and with respect. On the other hand, you have some nurse practitioner who do not and will not always have the patient best interest at heart but their own. The Commonwealth of Pennsylvania state Board of Medicine (BOM) and the Board of Nursing (BON) require that health practitioner follow the rules and

regulations. When rules and regulations are not followed practitioner can have their registration, licensure and certification revoke and suspended. When crime are committed by health practitioners, OIC handles all investigates and criminal allegations that involve abuse or neglect of cares of patients in Pennsylvania..