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February 14, 2018

To: Massachusetts Nursing and Professional Healthcare Organizations

From: Laurie Talarico, MS, RN, CNP Nursing Practice Coordinator

Re: Revised Advisory Ruling 1401: *Enhancing the Disclosure of Unanticipated Outcomes*

At the February 14, 2018 Board of Registration in Nursing (Board) meeting, the Board revised Advisory Ruling 1401: *Enhancing the Disclosure of Unanticipated Outcomes* to ensure compliance with current statutes, regulations and scope of practice standards.

AR 1401 promotes effective disclosure of unanticipated outcomes to patients and their families by licensed nurses and advanced practice registered nurses when applicable under M.G.L Chapter 233 section 79L, and the policies of the employing facility¹.

Based on its review of relevant statutes and regulations, position statements published by professional nursing and health care organizations, scientific, peer-reviewed literature, the Board found that:

- Outcomes in two Massachusetts hospital systems give reason for optimism about communication and resolution programs (CRP)¹;
- Anecdotal reports from the University of Michigan health systems and other early adopters of CRP suggest that these programs can substantially reduce liability costs and improve patient safety²;
- Early research efforts have identified opportunities to strengthen CRP programs³; and

¹ Mello, M et al. Outcomes in Two Massachusetts Hospital Systems Give Reason for Optimism About Communication-and-Resolution Programs. <https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.2017.0320> Health Affairs 36, No. 10 (2017): 1795-1803.

² Mello MM, et al. Communication-and-Resolution Programs: The Challenges and Lessons Learned From Six Early Adopters. <https://www.healthaffairs.org/doi/abs/10.1377/hlthaff.2013.0828> Health Affairs 33, No. 1 (2014): 20-29

Current AR language “In situations where licensed nurses, including advanced practice registered nurses, are involved in events with unanticipated outcomes, nurses should have the opportunity to demonstrate an understanding of how to effectively disclose and discuss such an event with the patient, and, as appropriate, the patient’s significant others” is ambiguous and unnecessary.

The Board voted unanimously to revise AR 1401 by:

- Removing the ambiguous and unnecessary language above.

Please take a moment to review the entire [AR 1401 Enhancing the Disclosure of Unanticipated Events](#)

ⁱ M.G.L Chapter 233 section 79L defines “Facility”, as a hospital, clinic, or nursing home licensed under chapter 111, a psychiatric facility licensed under chapter 19 or a home health agency; provided, however, that “facility” shall also include any corporation, professional corporation, partnership, limited liability company, limited liability partnership, authority or other entity comprised of such facilities.

³ Demonstration Grants Final Evaluation Report. AHRQ Publication No. 16-0038-2-EF, May 2016.
<https://www.ahrq.gov/professionals/quality-patient-safety/patient-safety-resources/resources/candor/demo-program-eval/demo-grants.html>