

Nurse Practitioners and Medical Malpractice: A Case Study with Risk Management Strategies

In this case, the decedent patient (plaintiff) was a 72-year-old woman who had been receiving hospital care for acute back pain resulting from a fall. Her past history included chronic pain management and end-stage renal disease for which she received hemodialysis. She was to be transferred to the co-defendant nursing facility for reconditioning and physical therapy prior to returning to her home.... To read the full case with risk management recommendations, go to: www.nso.com/case-studies/casestudy-article/341.jsp

Nurses Service Organization

Risk Advisor for Advanced Practice Nurses

Evidence-based practice protects against litigation

You're a nurse practitioner (NP) in a primary care practice assessing Mr. Smith, a 66-year-old man who is new to the practice. Mr. Smith, who suffered an anterior wall myocardial infarction (MI), was discharged 3 weeks ago from the hospital. The steps you take to manage Mr. Smith's care will contribute to his short- and long-term outcomes. If you base those steps on the latest evidence, you'll also protect yourself from litigation if an unfortunate event occurs.

Evidence-based practice (EBP) is a problem-solving approach that encompasses research, clinical expertise, and patient values and circumstances. Advanced practice nurses (APNs) should use information from these three components to make informed decisions that are in the best interest of their patients. Integrating EBP with your practice will improve patient care and reduce your risk for legal action.

The gold standard

Evidence-based practice is accepted as the gold standard for professional nursing practice because it improves patient outcomes. For example, the 2003 Institute of Medicine (IOM) report *Health Professionals Education: A Bridge to Quality* states EBP is a core competency for healthcare professionals, and IOM's 2010 landmark report "*The Future of Nursing: Leading Change, Advancing Health*" confirms EBP as a basic competency.

Additional support comes from general and specialty nursing associations. The American Nurses Association's Standards of Practice include

competencies specific to advance practice nurses that relate to EBP. The American Association of Nurse Practitioners' Standards of Practice states, "The nurse practitioner, together with the patient and family, establishes an evidence-based, mutually accepted, cost-awareness plan of care that maximizes health potential."

An example of specialty standards related to EBP comes from the American Association of Critical-Care Nurses. According to the AACN's Scope and Standards for Acute Care Nurse Practitioner Practice, a performance expectation for Standard 4 (Plan of Care) is "formulates a plan of care that incorporates scientific evidence and evidence-based practice."

All this adds up to a consensus that EBP is a vital part of the profession. In a court case, an attorney will stress this fact while attempting to prove that you failed to engage in EBP. That's why your practice must be based on evidence, even though doing so can be challenging.

Barriers to EBP

A 2012 study published in the *Journal of Nursing Administration* found that only 34.5 percent of nurses agreed or strongly agreed that their colleagues consistently use EBP in managing patients. Although the study did not identify how many respondents were advance practice nurses, the data are still cause for concern. The study found that although nurses believe in EBP, they encounter multiple barriers, with the top two being lack of time and lack of support from the organization, including resistance from colleagues and managers.

The same study found that most nurses want to learn more about EBP but find education resources lacking. They also lack mentors to guide them.

Overcoming the time barrier

Fortunately, many resources are available to break the time barrier, particularly when it comes to collecting and evaluating the evidence. These resources include:

- Cochrane Database of Systematic Reviews (www.cochrane.org), which provides analysis of available literature related to a topic (some information available for free)
- Journals in your specialty practice area (requires a subscription)
- National Guideline Clearinghouse (www.guideline.gov), which provides summaries of clinical practice guidelines and has a tool that allows you to compare multiple guidelines (free access)
- Resources from specialty associations. For example, AACN Practice Alerts provides nursing actions related to a specific issue such as assessing pain in the critically ill adult. The actions are backed by evidence found in the literature (free access).
- Joanna Briggs Institute (joannabriggs.org), which provides evidence reviews (some information available for free)
- U.S. Preventive Services Task Force (uspreventiveservicestaskforce.org), which provides evidence-based recommendations for preventive care (free access)
- Tools for appraising the evidence. Several scales are available to help you evaluate the evidence you find. You can find links to these scales at <http://nursingworld.org/Research-Toolkit/Appraising-the-Evidence>.

Download useful apps and databases such as Epocrates or UpToDate on your smartphone or tablet so you can access them more easily. The annual fee for searchable databases such as UpToDate is worth the time saved.

An often overlooked but highly valuable resource is the medical librarian. A medical librarian at your facility, local university, or health center can guide you through the process of conducting a literature search so it's more efficient.

Steps of evidence-based practice

Here are the basic steps of EBP:

1. **Cultivate** a spirit of inquiry.
2. **Ask** the clinical question in PICOT (**P**atient population, **I**ntervention or Issue of interest, **C**omparison intervention or group, **O**utcome, and **T**ime frame) format.
3. **Search** for and collect the most relevant best evidence. This includes searching for systematic reviews and meta-analyses.
4. Critically **appraise** the evidence for its validity, reliability, and applicability.
5. **Integrate** the best evidence with one's clinical expertise and patient preferences and values in making a practice decision or change.
6. **Evaluate** outcomes of the practice decision or change based on evidence.
7. **Disseminate** the outcomes of the EBP decision or change.

Source: Melnyk BM, Fienout-Overholdt E. *Evidence-Based Practice in Nursing & Healthcare: A Guide to Best Practice*, 2nd ed. Philadelphia: Lippincott, Williams & Wilkins; 2010.

Overcoming resistance

Overcoming resistance can be challenging. You can start by serving as a role model for others. Take the lead in suggesting practices that could benefit from a re-examination. For instance, are the assessment tools used in your practice the best ones to elicit the information you need?

If you are also a manager, you might want to consider building EPB projects into APNs' job descriptions and evaluations. Another option is to partner with a faculty member at a local university.

Overcoming a lack of knowledge

You don't need a large budget to gain knowledge about EBP. You can access free self-study programs online. For example, staff at Duke University Medical Center Library and the Health Sciences Library at the University of North Carolina at Chapel Hill developed an "Introduction to Evidence-Based Practice" tutorial, available online at <http://guides.mclibrary.duke.edu/content.php?pid=431451&sid=3529491>. In 2012, the *Journal of the American Association of Nurse Practitioners*

published a four-part series entitled “Evidence-based practice for the busy nurse practitioner” that you might find helpful.

For tips on interpreting the information you find, access the “How to read a paper” section of the *BMJ* website, which contains an article on how to read and interpret different types of research studies and includes two articles related to statistics (www.bmj.com/about-bmj/resources-readers/publications/how-read-paper).

If your organization provides educational reimbursement, consider attending a workshop on EBP. Retain documentation of courses you complete so you can show evidence of your efforts should you be involved in a lawsuit. The evidence will also be helpful for career advancement.

Keeping up

Staying on top of developments in your field helps ensure you are aware of the latest research. You can use technology to make the process easier. For example, services such as Feedly (www.feedly.com) let you customize feeds of news stories related to your interest areas. You can easily scan the headlines and short descriptions to determine if you want to learn more. Other options you might want to try:

- Sign up to receive electronic tables of content from journals you are interested in. You can scan the table of contents to determine what’s of interest.
- Subscribe to electronic newsletters such as those provided by Medscape and JournalWatch, and sign up for the American Academy of Nurse Practitioners’ SmartBrief, a daily update of items of interest to NPs.
- Listen to podcasts as you exercise or drive to work.
- Download an app such as Mendeley (www.mendeley.com) that lets you capture articles as PDFs and organize them according to keywords and other parameters.

Taking just these few steps can ensure that you are current in your knowledge.

Practicing effectively

Basing your practice on evidence will benefit your patients by ensuring optimal outcomes and will benefit you by providing support for your decisions



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should you find yourself in the uncomfortable position of being named in a legal action.

RESOURCES

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