JUST CULTURE

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Quality Management
UCLA Health
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Agenda

PART 3

• **The Just Culture Algorithm**
  • Duty to Produce an Outcome
  • Duty to Follow a Procedural Rule
  • Duty to Avoid Causing Unjustifiable Risk or Harm
  • Algorithm
Duty to Produce an Outcome

... applies to most human resources policies

• Circumstances where we put our employee in control of the system in which they work

• Example
  • Arriving to work on time
  • Why is this not a procedural rule?
    • Employer typically does not tell us how to get to work on time
    • It is our job as an employee to understand how to get to work on time
Duty to Follow a Procedural Rule

... applies to most of our technical on-the-job work

- Here, employee is working within the employer’s system
- Employee plays a role in the system – they are a component in the system
- Employee has an obligation to follow the rule
- Employee is not accountable for the output of the system, only for being a reliable, successful component in the system
- Employee is told *HOW* to do the job

**Example**

- Administering high alert medications
  - Conducting 5 rights
  - Independent verification
  - Scanning medication
Duty to **Avoid Causing Unjustifiable Risk or Harm**

... considered to be the highest obligation and takes precedence over the other duties

- Obligation we all owe to each other – to not cause unjustifiable risk or harm to one another.
- It is a duty that is applicable to us all, all the time
- Example
  - 1) Getting to a dinner party 2) driving back in alcohol impaired state
    - We have an obligation to not cause harm to others on our way to the party
    - We are not to run into other cars, or over people in a crosswalk
    - We are not to put others on the road in unjustifiable harm by driving drunk
DUTY TO PRODUCE AN OUTCOME

NOTE: This path applies when the employee is aware that he controls the system and is responsible for the output of the system.

Was the duty to produce an outcome known to the employee?

- **YES**: Was it possible to produce the outcome?
  - **YES**: Did the social benefit of the breach exceed the risk?
    - **NO**: Is the rate of failure to produce the outcome within the expectations of those to whom the duty is owed?
      - **NO**: Investigate circumstances leading to failure to know of duty
      - **YES**: Investigate circumstances leading to impossibility
    - **YES**: Support employee in decision
  - **NO**: Accept outcome
- **NO**: Assist employee in producing better outcomes or consider punitive action
Example:

A home health company’s maintenance tech had a large book in which the instructions for repairing equipment were located. Policy requires that these instructions be followed each time a repair is performed. Last week, a maintenance technician made a mistake on the repair of an infusion pump by relying on his memory to perform the task. The mistake was caught when a patient received a free flow of heparin, leading to the death of the patient. Investigation reveals that the technician regularly performs this specific maintenance.
DUTY TO AVOID CAUSING UNJUSTIFIABLE RISK OR HARM

Was it the employee’s purpose to cause harm?

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<th>YES</th>
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Did the employee knowingly cause harm?

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<th>YES</th>
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Was the harm justified as the lesser of two evils?

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Consider punitive action

Consider punitive action

Support employee in decision

Did the behavior represent a substantial and unjustifiable risk?

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Should the employee have known he was taking a substantial and unjustifiable risk?

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Do not consider employee action

Do not consider employee action

Coach employee and conduct at-risk behavior investigation

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Console employee and conduct human error investigation

At-Risk Behavior

Reckless Behavior
REPETITIVE HUMAN ERRORS

Are there behavioral choices that are causing the repetitive errors?

- Yes: Consider system redesign
- No: Will employee make better choices?
  - Yes: Employee to make better choices
  - No: Consider punitive action

If a series of human behaviors is not caused by system performance shaping factors, and is not correctible by changes in work choices or remedial education/training, the employee is put on notice that further errors may result in punitive action.

REPETITIVE AT-RISK BEHAVIORS

Are there system performance shaping factors that are causing the repetitive at-risk behavior?

- Yes: Consider system redesign
- No: Are there personal performance shaping factors that are causing the repetitive at-risk behavior?
  - Yes: Will employee address personal performance shaping factors?
  - No: Consider punitive action
  - Yes: Employee to remedy personal performance shaping factors

If a series of at-risk behaviors is not caused by system performance shaping factors, and the employee has not been responsive to behavioral coaching, the employee is put on notice that further at-risk behaviors may result in punitive action.
Outcome Engenuity, LLC
The Just Culture Community
www.justculture.org
Questions & Answers