

May 5, 2022

Honorable Judge Jennifer L. Smith  
Davidson County Criminal Court  
Division IV  
Justice A.A. Birch Building  
408 2<sup>nd</sup> Avenue, Ste 2120  
Nashville, TN 37201

Re: RaDonda Vaught, Case No. 2019-A-76

Honorable Judge Smith,

We, Ernest Grant, PhD, RN, FAAN, American Nurses Association (ANA) president, Loressa Cole, DNP, MBA, RN, ANA Enterprise CEO, and Kirk W. Lawson, CAE, Tennessee Nurses Association Executive Director, write on behalf of [American Nurses Association](https://www.nursingworld.org/ana) (ANA), which is the premier organization representing the interests of the nation's 4.3 million registered nurses. We come before you with deep regret. We deeply regret that Ms. Murphey's life was lost. We also regret that well-meaning nurses too often find themselves working under conditions that increase the likelihood of adverse outcomes from tragic mistakes.

ANA works to advance the nursing profession by fostering high standards of nursing practice, promoting a safe and ethical work environment, bolstering the health and wellness of nurses, and advocating on health care issues that affect nurses and the public. ANA is at the forefront of improving the quality of health care for all.

We are writing to you today regarding the sentencing of Nurse RaDonda Vaught. On behalf of ANA and nurses across the country, we humbly ask that you please consider leniency in her sentencing. As such, we want to offer you insights from a professional and nursing perspective into reasons why we ask that you consider leniency. There are substantial grounds that exist to explain Nurse Vaught's actions.

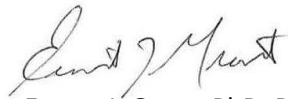
**Demanding Work Environment:** Nurses' work environments are high-risk, demanding, and complex due to inadequate staffing levels, varying patient acuity, exposure to infectious disease, and risk of work-related injury and violence. A typical shift is fast paced and high stakes, with constant patient turnover, complex patient needs, rapid processing of clinical information all while balancing competing priorities with minimal downtime. All of these factors impede the delivery of safe patient care. In Nurse Vaught's case, this would have been what a typical day looked like for her. In 2017, during the year of the incident, more than half (53%) of nurses in an ANA survey reported that they often have to work through their breaks to complete their assigned workload, and 52% often must arrive early or stay late to get their work done. On this tragic day, Nurse Vaught was working as a float nurse, assisting patients and team members across different units, and providing care to patients with varying needs. Nurse Vaught was also providing education and instruction to a nurse during the medication administration process. Staffing challenges in a fast-paced environment and high-stakes profession continue to plague health care and are organizational constraints that many health institutions face. These conditions make it virtually impossible for nurses in many settings to provide care and not face these challenges at the inherent risk of tragedy. Without their willingness to take on these challenges, the state of our health care system would be further compromised by even lower staffing levels.

**Flawed Reporting Mechanisms:** Another factor for consideration of leniency is Nurse Vaught's timely reporting of the error. Aware of the gravity of the mistake, despite professional risks to herself, Nurse Vaught took all the necessary steps in good faith to report her mistake to the proper administration within her organization. Nurse Vaught's actions were honest and ethical and reflect the expectations outlined in the Nurses Code of Ethics to timely disclose errors to promote patient health and safety. Nurse Vaught's voluntary reporting of her mistake was the only report on file in this tragic situation. Nurse Vaught's transparency is a testament to the trust that patients and the public have in the nursing profession. In Tennessee, there is an expectation of confidentiality and privilege regarding reporting of medical errors. Tennessee is intentional about protecting confidentiality to encourage reporting for the promotion of patient safety. Nurse Vaught did not get that privilege because her report was made public, and it should not have been. Nevertheless, Nurse Vaught continued to remain forthcoming and cooperative during the investigation.

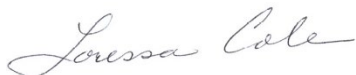
Nurses around the country are anxiously watching this case. Amid the COVID-19 pandemic, which has brought one of the darkest moments to our profession, nurses are deeply distressed by the possibility of being incarcerated for the honest reporting of mistakes. We are very concerned about the residual impact on nurses and other health care professionals feeling safe to report errors and perhaps nursing students who are preparing to enter the profession and others considering nursing as a career path.

Nurses are carefully watching this case and they are scared. They see themselves in Nurse Vaught; we see ourselves in Nurse Vaught. Our peers and colleagues and health care professionals beyond nursing see themselves in Vaught.

Again, on behalf of ANA, TNA, and nurses across the country, we humbly plead that you consider leniency for Nurse Vaught.



Ernest J. Grant, PhD, RN, FAAN  
President  
American Nurses Association



Loressa Cole, DNP, MBA, RN  
Chief Executive Officer  
ANA Enterprise



Kirk W. Lawson, CAE  
Executive Director  
Tennessee Nurses Association