

# **Boards of Nursing and Their Disciplinary Powers**

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## **Avoiding Liability Bulletin - February 15, 2017**

Your state board of nursing has the authority to administer and enforce the state nurse practice act. This power is broad and includes the ability to discipline a student nurse, a licensed practical nurse, a registered nurse, and an advanced practice registered nurse.

Potential violations of your state nurse practice act and its rules are numerous. Some include unprofessional conduct that is likely to deceive or harm the public, failure to pay income taxes, falsification of any document required in the performance of your role as a licensee, a willful or negligent violation of nurse-patient confidentiality, and being disciplined by a board of nursing in another state or jurisdiction.

Board of nursing disciplines are public disciplines, meaning that the discipline and the reason for it is a public record and available to the public. Most often, boards of nursing list disciplinary reports on their websites. Some states allow expungement of a discipline after a certain period of time while others do not.

In addition, disciplines are shared with all other boards of nursing through a national database, NURSYS, for verification of licensure, discipline and practice privileges.<sup>1</sup>

The discipline that can be imposed by your board of nursing may vary slightly from state to state. Examples include a reprimand, probation, suspension of a license, and revocation of a license.

A reprimand is akin to a scolding or a censure.<sup>2</sup> It is the least form of discipline but is a discipline nonetheless. You are still able to practice nursing.

If you receive a probation due to the violation of the act or rules, you can also continue to practice nursing but there are requirements to doing so. If, for example, your nursing care resulted in a patient being placed at risk for an injury, a board of nursing might require you to take a nursing education-based course on safe nursing practices and/or only practice with a preceptor or mentor. Once completed and proof given to the board, the probation is ended. The ending of the probation may happen automatically or you may be required to petition the board to end the probationary period.

A suspension is just what it sounds like—your license is suspended and you are unable to practice nursing until the suspension no longer exists. The basis for a suspension of your license may include a substance use disorder, immoral conduct, inability to practice safely, and a conviction of a crime. If this

discipline occurs, you must petition the board for reinstatement of your license. The reinstatement is based on you meeting conditions required by the board when the suspension occurred.

Revocation of your license is the most serious discipline. It means that your license is annulled, is taken back.<sup>3</sup> Obviously, you can no longer practice nursing if this discipline occurs, and if you ever wanted to practice nursing again, you would have to begin the application process for doing so from scratch.

Professional licensure discipline is serious, regardless of the level at which it occurs. In addition to harm to your professional reputation, many employers will not hire a nurse if he or she has been disciplined by a board of nursing for whatever reason.

It is important, then, for you to avoid being disciplined by your board. Some ways in which to do so include:

1. Know your state nurse practice and rules and conform your nursing practice to its mandates;
2. Keep current in your area of nursing practice;
3. Practice within the scope of your nursing practice as defined in the act and rules;
4. Be in good stead with your employer and with those with whom you work or employ; and
5. Should you face any disciplinary proceedings, retain a nurse attorney or attorney to represent you.

#### FOOTNOTES

1. NURSYS, at <https://www.ncsbn.org/nursys.htm> (National Council of State Boards of Nursing website). You can also learn more about NURSYS at [nursys.com](http://nursys.com).
2. Merriam-Webster's Collegiate Dictionary (2014). 11<sup>th</sup> Springfield, MA: author, 1057.
3. *Id.*, at 1068.

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