

Disciplinary Actions

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... State regulatory boards, as part of their enforcement duties, have various options with respect to how they handle less serious alleged violations by licensees. One such option is called “cite and fine” authority. It is important to carefully review the laws, rules or regulations that govern such authority by the board so that you know the consequences of any “settlement” and you know what your rights are in this area. Consultation with your professional association or a lawyer (at the earliest time possible) is prudent and often critical in any kind of investigation by the board.

It is not uncommon for regulatory boards to have the authority to assess a fine and give the licensee an opportunity to pay the fine and thereby dispose of the case without there being an admission of wrongdoing by the licensee. Is payment of a fine an admission of wrongdoing in your state? If the licensee doesn't pay the fine or doesn't resolve the matter with the board, then the board would generally consider whether or not they have a strong enough case to bring a formal proceeding against the licensee.

Another question of importance in making a decision as to whether or not to resolve a citation by paying a fine is whether or not the board publicly discloses the names of those licensees who resolve the matter by paying the fine. It is also important to determine if such a resolution constitutes “disciplinary action.” What's the situation in your state for your license?