NURSE ADMINISTRATOR FAILS TO UPHOLD LEGAL RESPONSIBILITIES AND FACES DISCIPLINARY ACTION BY HER STATE BOARD OF NURSING

written by Nancy Brent | May 6, 2025

As a nurse administrator, whether in the role of a nurse manager, a director of nursing, a chief nurse officer (CNO) or other nurse executive position, you have many legal duties.

Based on your specific role, your legal duties include appropriate supervision of nursing staff, delegation of patient care based on accepted standards of practice, adequately staffing nurses to care for patients, and ensuring compliance with licensure, certification, and other rules and regulations governing nursing practice, to name a few.

The American Nurses Association's *Nursing Leadership: Scope and Standards of Practice, 3rd Edition* details your standards of practice and competencies. (If you have not read this publication, you can order it online by placing its name in your search bar).

In the following case (In Re: Angela Burrell, Assisted Living Facility Administrator (A.L.F.A.), Case No. 142188, July 27, 2012), a Special Conference Committee of the Virginia Board of Long-Term Care Administrators determined the nurse administrator did not meet these legal obligations.

Details of the Case and the Committee's Order

A.B. was licensed as an A.L.F.A. in 2008 and her license was to expire in 2013.

In 2012, the Virginia Board of Long-Term Care Administrators sent A.B. a notice that an informal conference with the Special Conference Committee would be held in June of that year to explore issues concerning her role as the administrator of an assisted living facility that provided care and housing to "cognitively impaired individuals and individuals with mental health issues."

The issues being explored about A.B.'s role as the administrator over the past year included:

- On repeated occasions, failing to account for the safety and security of residents who were seen "wandering, loitering, and sleeping along the streets and in a wooded area adjacent to the facility"
- Failing to ensure that residents were properly cared for and their personal hygiene needs were

met
- An inspection report from the state department of social services revealed patient medications were not being administered as prescribed
- Failing to maintain any system to document patient care assignments to ensure patients received sufficient care
- Failing to ensure that several residents had appropriate plans of care in place
- Failing to ensure that staff who provided direct patient care received required training
- Failing to ensure that controlled medications were stored securely in a locked are

A.B. attended the informal conference without legal representation.

After the evidence was evaluated, the Committee ordered that A.B.:

1. Be placed on Indefinite Probation for a period of not less than two years of actual practice as an assisted living facility administrator as of the date of the order and end after completing one year of active employment as an assisted living facility administrator
2. Inform the Board in writing within ten days of the date she begins administrative practice, changes employment, or if an interruption of her administrative practice is interrupted
3. Inform the Board of the name and address of each employer
4. Inform her current and future employer of her probation and provide a copy of the order to the employer(s)
5. Provide copies of all reports of inspections by the state department of health or social services to the Board, and any correction plans, within 14 days of the receipt of the inspection report
6. Complete 16 hours of continuing education courses in Individual Service Planning, Utility Assessment Impact planning, and health care management within 90 days of the date of this order (the 16 hours being in addition to any require for the renewal of her license)
7. Submit quarterly “self-reports” which include current address, phone number, and current employment
8. Return all copies of the A.L.F.A license to the Board within ten days of the date of this Order so the Board can issue a new license with the notation “Probation with Terms”
9. Any violation of the terms and conditions in the Order shall be a reason to revoke her A.L.F.A. and a hearing commenced to decide whether a revocation of her license should occur.

A.B. was also informed she could request a formal administrative hearing before the Board and if filed, the Order would be vacated.

<u>Developments after the Order</u>

In 2025, A.B. was informed by letter that she had complied with the terms and conditions of the Order entered in 2012. Her “full unrestricted” license as an A.L.F.A. was restored.

Talking Points of this Case for You and Your Practice

The allegations and documented practice failures of A.B. were indeed serious. However, rather than the Committee taking a punitive approach, it opted for a (restorative) just culture approach.

Briefly, (restorative) just culture in nursing mandates accountability and quality care and focuses on correcting errors rather than simply blaming an individual for them.

Just culture is not a new concept. In 2010, The American Nurses Association (ANA) published a Position Statement regarding the paradigm which is as enduring now as it was then, and has been adopted by many health care organizations, schools of nursing, and boards of nursing.

In J.B.’s case, the Board provided specific requirements for her to correct her practice–and provide safety and quality care to her residents–and her behavior changed from unacceptable nursing practice to adherence to required standards of practice for her role.

One board of nursing, the North Carolina Board of Nursing implemented just culture in its disciplinary proceedings. You can read more about just culture and its implementation by the Board here.

You can also learn more about the District of Columbia Board of Nursing’s established guidelines for reporting practice issues and just culture by placing the title of its publication, “Guidelines for Reporting Practice Related Incidents to the District of Columbia Board of Nursing” in your search bar.

A.B. elected to an informal conference with the Committee rather than a formal administrative hearing. An informal conference attempts to resolve practice issues through agreement rather than through a formal administrative hearing, and, if agreement is reached, it was beneficial to A.B. and one can be beneficial to you in resolving practice issues.

However, A.B. did not have an attorney representing her in the conference. Although the end result was beneficial to her, it is never wise to attend any professional disciplinary proceeding without legal counsel. Your professional liability insurance provides you with legal representation in disciplinary proceedings and you need to utilize this aspect of your coverage.

Any professional licensing proceeding requires due process protections be afforded a licensee. They were afforded A.B. Your attorney will discuss these protections with you should you face a disciplinary proceeding and the attorney will ensure those rights are applied to your proceedings.

As in A.B.’s case, the requirements for her to regain her full licensure status were many. Even so, strict fulfilment of them was essential to the termination of her probationary licensure status.

If you are faced with such requirements, be certain to strictly comply with each and every one, however cumbersome. Your attorney can help you with meeting the requirements and in the reporting of them to your board of nursing. As a nurse administrator, meeting standards of practice is essential. This compliance may be eased through membership in your professional association, the American Association of Nurse Leaders (AONL). In addition to compliance with standards of practice, AONL offers many additional member benefits that effect your practice.

This information is for educational purposes only and is not to be taken as specific legal or other advice by the reader. Nor does it create an attorney-client relationship. If legal or other advice is needed, the reader is encouraged to seek such information from a nurse attorney, attorney or other professional.