

This LPN's Conduct was Criminal and Breached Professional Boundaries with Her Patients.

written by Nancy Brent | September 9, 2024

One of the obligations a licensed nurse, including an LPN, has is to maintain a therapeutic relationship with clients and avoid breaching [professional boundaries](#) with those clients.

Examples of breaching a professional boundary with a client include becoming romantically involved with a client, sharing personal information about oneself, and accepting gifts from clients.

In the following case from the New Jersey Board of Nursing, an LPN's conduct resulted not only in an investigation by police and a criminal judgment against her but also a professional disciplinary action by the Board.

Specifics of the LPN's Conduct

The LPN was licensed by the Board in 2003. However, her license expired on May 31, 2011. She applied to reinstate the lapsed license on August 18, 2011.

The LPN agreed to a criminal background check, which was required by the state nurse practice act.

On her application, the LPN stated she cared for a patient from September 2010 through the date, and past that date, of her reinstatement application.

The Board did not reinstate her LPN license, pending further investigation of previous criminal charges against her for failing to return property she received, repay money for passing bad checks, and forgery.

In 2013, the wife of an elderly patient with dementia for whom the LPN provided home care from 2010 through August 2011 reported to the police that they were the victim of credit card theft. The unauthorized transactions occurred between November 25, 2011 and December 19, 2011 in the amount of \$14,482.15. The wife believed the account was closed in March of 2010.

In March of 2013, the LPN admitted to the police that she used the elderly patient's credit card but claimed the patient's wife gave her permission to use the credit card to buy gifts for her children. The LPN told the wife that she would reimburse her once she received her tax refund.

However, the LPN made additional purchases with the credit card without the wife's permission and allowed a male friend to also make purchases with the card.

The LPN was arrested and pled guilty to credit card theft.

In 2014, the LPN was arrested for using another victim's credit card, for whom she was providing care, to withdraw \$600.00 from the victim's bank and to pay a phone bill in the amount of \$1,939.34. The investigation of these charges was "administratively dismissed" according to information received by the Board.

Board Takes Action Against the LPN

The Board denied the LPN's application for reinstatement of her license and administratively suspended her 2011 license without a hearing due to the [emergent nature](#) of her conduct of victimizing patients and practicing without a license.

It also suspended her license to practice practical nursing for a two-year period.

A civil fine of \$2,000.00 was imposed based on her conviction for credit card theft and her unlicensed practice of practical nursing.

The LPN was also required to appear before the Board prior to the LPN's reinstatement of her license. At that time, she must prove she has been rehabilitated in order to being considered for reinstatement.

She was also prohibited from practicing nursing until her LPN license was reinstated.

If the LPN did not comply with the Board's order, an additional professional disciplinary action could follow.

What This Board Decision Means for You as an LPN (or RN)

The Board's decision was based on the specific conduct of this LPN, which was appalling at best.

Different conduct by an LPN (or RN) may result in different particulars in a professional licensing disciplinary order by a board of nursing. Even so, some guidelines exist for your nursing practice.

To begin with, know that any criminal conviction will result in a reporting to a board of nursing.

Once reported to the board by a court, law enforcement, or another reporter (such as a victim), nurse practice acts include the power of a board to take professional disciplinary actions against a licensed LPN or RN for that [felony or misdemeanor](#) conviction.

Although many of disciplinary proceedings by boards of nursing based on criminal convictions are clearly tied to the practice of nursing—theft of a patient's money, physical abuse of a patient—such proceedings are not solely based on a conviction relating to the licensee's practice of nursing.

Boards are, and have been, initiating professional disciplinary actions based on criminal convictions for DUI, battery, shoplifting, or disrupting the peace, as examples.

A board's initiation of the disciplinary actions in these cases are based on the ground of unprofessional conduct in a nurse practice act and on conduct which reflects negatively on the profession of nursing, its integrity, and its members.

As a result, it is essential not to participate in any conduct which may make it possible to initiate criminal charges against you.

Although some conduct that may give rise to criminal charges are obvious, as in this case, other conduct may not be so clear. When in doubt about a course of action that may result in criminal charges against you, walk away.

In addition to some of her conduct unrelated to nursing as an LPN, the LPN also provided care to at least two patients without a [valid license](#) to do so.

It is essential that you practice as an LPN (or RN) with a valid and current license. This includes ensuring that your board of nursing has up-to-date contact information for you, especially during your license renewal period.

It is also essential that no untrue or misleading information is provided in your renewal application.

Maintaining professional boundaries in a nurse-patient relationship is vital. It is up to *you* to ensure that those relationships remain professional. Maintaining such boundaries clearly includes refraining from theft of patients' monies and use of their credit cards.

It also includes refraining from patients' other gestures of gratefulness for your care that are not professional, such as providing gifts of money, taking you to dinner, or encouraging you to participate in their family gatherings.

It is prudent to carefully analyze the potential legal and ethical ramifications for you if you do not maintain a professional boundary with patients and graciously refuse such gestures with a clear explanation as to why accepting them is not possible.

As in this case, it is always a requirement that a nurse provide evidence to a board of nursing of "rehabilitation" from the conduct that resulted in the suspension of his or her license.

The specifics of what "rehabilitation" is sufficient to allow for reinstatement depends on the conduct that resulted in the suspension. Often times, what is required by the board is spelled out in the order of suspension, and this is essential information when reinstatement is sought.

If you are ever in need of representation in a professional disciplinary action against you by your board of nursing, be certain to contact your professional liability insurance carrier and obtain representation through its lawyers. He or she will also guide you when you petition your board of nursing for a reinstatement of your license.

If you do not possess a professional liability insurance policy, retain a nurse attorney or attorney of your choice at your expense to represent you in board proceedings.

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.