

What Discipline Can a Board of Nursing Impose Against a Nurse Licensee?

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If allegations against a nurse are proven, or he or she admits to the allegations, a board of nursing has the authority to discipline the nurse. The purpose of the discipline imposed is remediation; in other words, “to correct practice and promote safety”. (1) As a result, the nurse’s practice will be affected in some way and the nurse must fulfill the requirements of the discipline imposed in order for the licensee’s license to return to an unencumbered status. (2) The types of discipline vary from state to state, due to the fact that each state has the authority to pass its own nurse practice act and rules. Even so, common disciplines appear, in some form, in most acts.

One of the least forms of discipline against a nurse is considered an “informal” or “non-public” discipline. Examples include an *administrative warning letter (AWL)*. Not reported to the public or others, such a discipline goes into the nurse licensee’s file and if a similar or another alleged violation of the nurse practice act or rules occurs, the AWL is taken into consideration when imposing discipline on the new violation, if proven.

A *reprimand* or *censure*, the basis of which is improper conduct by the nurse, is a public discipline. The board may impose conditions that the nurse must meet due to the violation. As an example, if the nurse failed to timely renew his or her license and the failure is discovered early, the nurse may be required to take a continuing education course covering nurse practice acts and the importance of licensure.

Placing the nurse on *probation* for a specific or minimum period of time is another public discipline that requires the nurse to, as examples, be monitored by the board through letters from the nurse himself or herself, provide periodic letters from the employer concerning the nurse’s job performance during the period of probation, successfully complete a nursing continuing education course applicable to the violation for which the nurse was disciplined (e.g., medication administration course), and not work in a supervisory capacity during the period of probation.

A period of probation may also be used for a nurse who has had treatment for chemical use and is in recovery, but not through an alternative treatment program discussed in an earlier bulletin. The conditions of probation may consist of some of the examples listed above as well as periodic drug screens and reports from treating personnel as to the continued success of the treatment plan.

A nurse may lose his or her license for a period of time if the license is *suspended*. The suspension of

the license is a serious public discipline and prevents the nurse from legally practicing nursing. The nurse is able to petition the board for the reinstatement or recertification of his or her license once the conditions of the board's requirements are met (e.g., treatment for a mental illness, treatment for chemical abuse, completing of an anger management course of therapy). A condition that may be placed on the nurse petitioning for reinstatement of the license includes a time period (e.g., not before 2 years from the issuance of the suspension).

The *revocation* of a nurse's license is the most serious discipline that can be imposed by a board of nursing. The nurse immediately loses his or her license and cannot legally practice nursing. Based on the board's requirements, the individual can apply for re-licensure. Requirements include a period of time before which re-licensure is not possible (e.g., 2 years) and the retaking of the NCLEX exam, as examples. It is important to note that re-licensure is at the board's discretion. (3)

A board of nursing may also impose a *fine* or *civil penalty* against the nurse, if for example, the nurse has profited financially from the proven violation or violations. A fine or civil penalty can also be assessed against the nurse for other reasons as well.

Because boards of nursing are required to protect the public safety and allow only competent individuals to be licensed and to practice nursing, disciplines imposed upon nurse licensees are public information. Boards use various methods to make disciplines available to the public, including board newsletters and the board's website. (4) Some states never remove the documentation of a discipline imposed while others, like the state of California, have a specific framework for removing a discipline's documentation from its public reporting mechanism. (5)

Boards of nursing are required by federal law to report any adverse actions taken against a nurse licensee (and other health care professionals) to two federal data banks, The National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPD). (6) In essence, this provides employers with easy access to any public discipline taken against a nurse licensee. Currently, the public does not have access to these data bases.

FOOTNOTES

1. National Council of State Boards of Nursing (2010). *Board of Nursing Complaint Process*. Chicago, author, pp. 1-3. Available at <https://www.ncsbn.org/426.htm>. Accessed April 12, 2012.
2. *Id.*, at 3.
3. See, for example, Missouri Board of Nursing, *Disciplinary Actions Available To The Board*. Available at <http://pr.mo.gov/nursing-discipline.asp>. Accessed April 12, 2012.
4. National Council of State Boards of Nursing, *supra* note 1, at 3.
5. *Policy On Internet Discipline Document Retention* (2011). Available at <http://www.rn.ca.gov/pdfs/enforcement/disclosure.pdf>. Accessed April 12, 2012.
6. National Council of State Boards of Nursing, *supra* note 1, at 3.

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