George F. Indest III, J.D., M.P.A., LL.M.  
Board Certified by the Florida Bar in the Legal Specialty of Health Law  
Website: www.TheHealthLawFirm.com
Main Office:
1101 Douglas Avenue
Altamonte Springs, Florida 32714

Phone: (407) 331-6620
Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com
OBJECTIVES:

The attendee will be able to describe the structure and purpose of the Florida Board of Nursing.

The attendee will be able to identify and describe the significant steps in the Florida nursing disciplinary process.

The attendee will be able to list specific sources of nursing practice that have high potential for putting a nursing license at risk of discipline.
PROTECTING YOUR NURSING LICENSE

DISCLAIMER:

This information is presented for educational purposes. It is not meant to be comprehensive, nor is it intended to provide legal advice.

Specific circumstances will always affect the legal decisions to be made in a given situation. Appropriate counsel should be sought for any legal advice.
PROTECTING YOUR NURSING LICENSE

DO YOU NEED TO WORRY ABOUT YOUR NURSING LICENSE?

AND

WHAT CAN YOU DO TO PROTECT IT?
YOUR NURSING LICENSE

- A Privilege vs. a Right
- The State Regulates and Disciplines Florida Nurses
THE FLORIDA BOARD OF NURSING

- The Regulatory Body Charged with Ensuring the Minimum Requirements for Safe Nursing Practice
- Organized Under the Department of Health
- Members Appointed by the Governor
- Duty is to Protect the Public - Not to Advocate for the Nurse
THE NURSING DISCIPLINARY PROCESS

- COMPLAINT
- INVESTIGATION
- PROBABLE CAUSE PANEL
- ADMINISTRATIVE COMPLAINT
- HEARING
- DISCIPLINE
THE INITIAL COMPLAINT: SOURCES

- DISGRUNTLED EMPLOYEE/EMPLOYER, COLLEAGUE/COWORKER, PATIENT/FAMILY MEMBER
- CODE 15 OR ADVERSE INCIDENT REPORT
- AHCA SURVEYS
- LAW ENFORCEMENT
- SELF REPORT OF ADJUDICATION
- MALPRACTICE ALLEGATION
- NATIONAL PRACTITIONER DATA BANK (NPDB)
- OTHER
THE INITIAL COMPLAINT: COMMON ALLEGATIONS

- UNPROFESSIONAL CONDUCT
- FAILURE TO PRACTICE WITH REASONABLE SKILL AND SAFETY
- CRIMINAL CONDUCT
- ENGAGING OR ATTEMPTING TO ENGAGE IN THE POSSESSION, SALE OR DISTRIBUTION OF CONTROLLED SUBSTANCES
- EXCEEDING THE SCOPE OF NURSING PRACTICE
- FILING A FALSE REPORT
THE INVESTIGATION:
NOTICE LETTER & CASE SUMMARY

- What it really means
- What it can tell you
- What you should and should not do upon receipt
THE INVESTIGATION: THE INVESTIGATOR

- The investigator’s role
- The investigator: your best friend or worst enemy?
THE PROSECUTION STAGE

- The Role of the Department of Health (DOH) Attorney
- The Role of the Emergency Action Unit
- Review and Rebuttal of the DOH Investigative Findings
- Presenting Mitigating Factors
PROBABLE CAUSE

- The Probable Cause Panel

- The Panel’s Review of the Case File and Determination of Whether Probable Cause Exists

- The Panel’s Determination Options:
  - Dismissal
  - Dismissal with a Letter of Guidance
  - Finding of Probable Cause
PROSECUTION

● THE ADMINISTRATIVE COMPLAINT

● THE ELECTION OF RIGHTS
  Informal Hearing
  Formal Hearing
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  Relinquishment of License
  Stipulation
DISCIPLINE

POTENTIAL PENALTIES:

- Revocation or Suspension of License
- Restriction of Practice
- Probation – direct or indirect
- Imposition of a Fine
- Mandatory Continuing Education
- Issuance of a Reprimand
- Issuance of a Citation
DISCIPLINE: COLLATERAL CONSEQUENCES

- Discipline remains on the nursing license forever
- Will generate a NPDB Report
- Will usually precipitate an investigation and/or discipline by other states where the nurse holds a license
- When discipline is imposed, the nurse generally has an affirmative duty to report to other states where a license is held
- Could serve as a basis for exclusion from Medicare/Medicaid programs
THE INTERVENTION PROJECT FOR NURSES (IPN)

- An alternative to discipline
- or
- A condition imposed upon a nurse’s license by the Board of Nursing
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

LIE ON YOUR APPLICATION FOR LICENSE OR LICENSE RENEWAL
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

DRINK AND DRIVE,
OR COMMIT ANY OTHER CRIME
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

TAKE A CONTROLLED SUBSTANCE THAT HAS NOT BEEN LEGITIMATELY PRESCRIBED FOR YOU
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

CHART SOMETHING AS DONE THAT WAS NOT DONE
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

FAIL TO CHART THINGS THAT WERE DONE,
ESPECIALLY THE ADMINISTRATION OF CONTROLLED SUBSTANCES
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

IMPROPERLY ALTER OR ATTEMPT TO CORRECT A RECORD
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

ACT WITHOUT A PHYSICIAN ORDER
SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK

FAIL TO REPORT A PLEA OR ADJUDICATION
SOME WAYS TO PROTECT YOUR NURSING LICENSE

- WHEN IN DOUBT, LOOK IT UP OR CONSULT
- WORK ONLY IN PLACES THAT DO NOT PUT YOU AT RISK
- BE FAMILIAR WITH FACILITY POLICIES AND PROCEDURES
- DOCUMENT ACCURATELY AND TIMELY
SOME WAYS TO PROTECT YOUR NURSING LICENSE (continued)

- BE FAMILIAR WITH FLORIDA’S NURSE PRACTICE ACT AND THE ACT OF ANY OTHER STATE WHERE YOU HOLD A LICENSE

- NEVER PLEAD TO A CRIME WITHOUT KNOWING THE IMPLICATIONS TO YOU NURSING LICENSE

- COOPERATE WITH INTERNAL INVESTIGATIONS, BUT ALWAYS MAINTAIN CAUTION
Orlando Office (By Appointment):

37 North Orange Avenue, Suite 500
Orlando, Florida 32801

Phone: (407) 331-6620
Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com
Pensacola Office (By Appointment):

201 East Government Street
Pensacola, Florida 32502

Phone: (850) 439-1001
Fax: (407) 331-3030

Website: www.TheHealthLawFirm.com
Denver, Colorado Office (By Appointment):

155 East Boardwalk Drive, Suite 424
Fort Collins, Colorado 80525

Phone: (970) 416-7454
Fax: (866) 203-1464

Website: www.TheHealthLawFirm.com