

# PROTECTING YOUR NURSING LICENSE



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# PROTECTING YOUR NURSING LICENSE

## 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
  - 
  - 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**

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**LIE ON YOUR APPLICATION FOR LICENSE  
OR LICENSE RENEWAL**

# **SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK**

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**DRINK AND DRIVE,  
OR COMMIT ANY ANOTHER CRIME**

# **SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK**

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**TAKE A CONTROLLED SUBSTANCE THAT  
HAS NOT BEEN LEGITIMATELY  
PRESCRIBED FOR YOU**

# **SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK**

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**CHART SOMETHING AS DONE  
THAT WAS NOT DONE**

# **SURE-FIRE WAYS TO PUT YOUR LICENSE AT RISK**

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**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**

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**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 YOUR NURSING LICENSE
- COOPERATE WITH INTERNAL INVESTIGATIONS, BUT ALWAYS MAINTAIN CAUTION



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