

Navigating Through the APRN License Discipline Process

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GETTING OUR BEARINGS

The Board and its Jurisdiction

Complaint and Investigation Process

Discipline and Alternatives to Discipline

Post-discipline

Other Examples and Discussion

WHO IS THE CAPTAIN OF THIS SHIP?

YOU ARE!

(Consider hiring a competent attorney to co-captain.)

Think of yourself as the captain of your ship and
the Nurse Practice Act as the navigable waterway

What is the role of the Board and Board staff?



THE BOARD AND ITS JURISDICTION

Creatures . . . *of statute*

DO WE NEED TO UPDATE THE MAP?

- Board discipline is always guided by the law (NPA, APA, eNLC) and the Board's own Rules and Regulations. Boards want to be lawful and consistent in discipline.
- Legislative intent, as stated in Louisiana Revised Statute 37:911
 - A. The legislature finds that the practice of nursing by qualified individuals is necessary to protect the public health, safety, and welfare of the citizens of this state.
 - B. The legislature further finds that the practice of nursing by a registered nurse and an advanced practice registered nurse should be regulated in the public interest.
 - C. Therefore, it is the legislative intent and the purpose of this Part to promote, preserve, and protect the public health, safety, and welfare by regulating nursing education and practice and ensuring that any individual practicing or offering to practice nursing or using the title “registered nurse” or “advanced practice registered nurse” shall be licensed before engaging in such practice.



COMPLAINT AND INVESTIGATION PROCESS

COMPLAINT-BASED INVESTIGATION PROCESS



COMPLAINT

- * Passive process
- * Form requirements
- * Sources of complaints



SCREENING

- * Identifiable NPA violation?
- * Sufficiently serious?
- * Appropriate for informal disposition?



ASSIGN FOR INVESTIGATION

- * Assign priority level (risk-based)
- * Assign to a Board investigator



THE INVESTIGATION

- * DUE PROCESS
- * Informal Demand
- * Obligation to Cooperate
- * Investigation tools



REPORT AND RECOMMENDATION

- * Substantiated or not?
- * Review process
- * Confidential vs. discoverable reports


ISN'T THAT WATER UNDER THE BRIDGE?

“STATUTE OF LIMITATIONS”

- Does your jurisdiction have time limit on the investigation and prosecution of license discipline?

USE TIME TO MITIGATE

- Be strategic
- When to report?
 - Early
 - Renewal
 - Failure to disclose

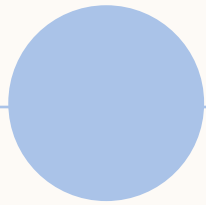


DISCIPLINE AND ALTERNATIVE TO DISCIPLINE

TRIM THE SAILS

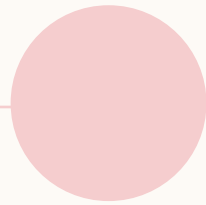
- Discipline
 - Reprimand / probation / suspension / revocation
- No discipline
 - Informal reprimand
 - Ending letter
- Referral to alternative to discipline (ATD) program
 - Findings of fact
 - Other sanctions and stipulations
 - NPDB/Nursys Reporting
 - RN and/or APRN license

SINK OR SWIM



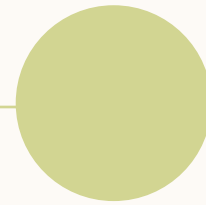
SETTLEMENT

- Consent / agreed / settlement orders
- Ratified by Board
- No right to appeal



HEARING

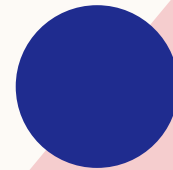
- DUE PROCESS
- Cost structure
- Rules of evidence
- Proposed orders



APPEAL

- Exhaust administrative remedies
- Reconsideration and/or rehearing
- Right of appeal

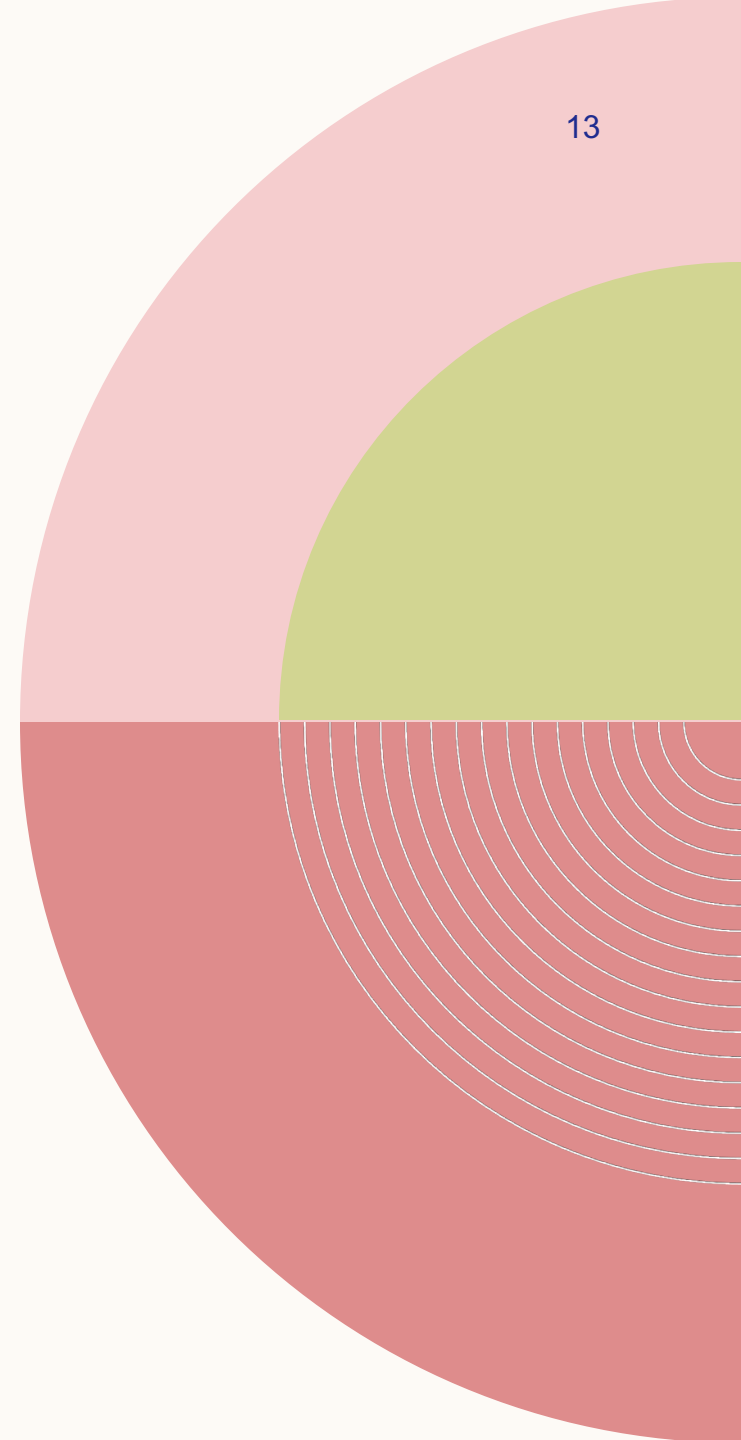
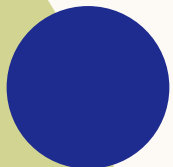
Alternative to Discipline Program



THREE SHEETS TO THE WIND

Alcohol and drug-related conduct

- On-duty
- Off-duty
- Pre- and/or lapsed licensure





POST-DISCIPLINE

REINSTATEMENT OF LICENSE(S)

Progressive lifting of restrictions

RN license reinstatement with probation prior to APRN
license reinstatement

NAVIGATIONAL AIDS

- Board-approved evaluations
 - Inpatient / outpatient / forensic / focused
- Documented disclosure of all issues before the Board (findings of fact)
- Second opinions
- Board-ordered vs. voluntary evaluations

COMMON PROBATION STIPULATIONS

LEARN THE ROPES

Scope of Practice

- Always evolving
- Decision making pathways to help RNs and APRNs reach answer on scope of practice

Prescriptive Authority

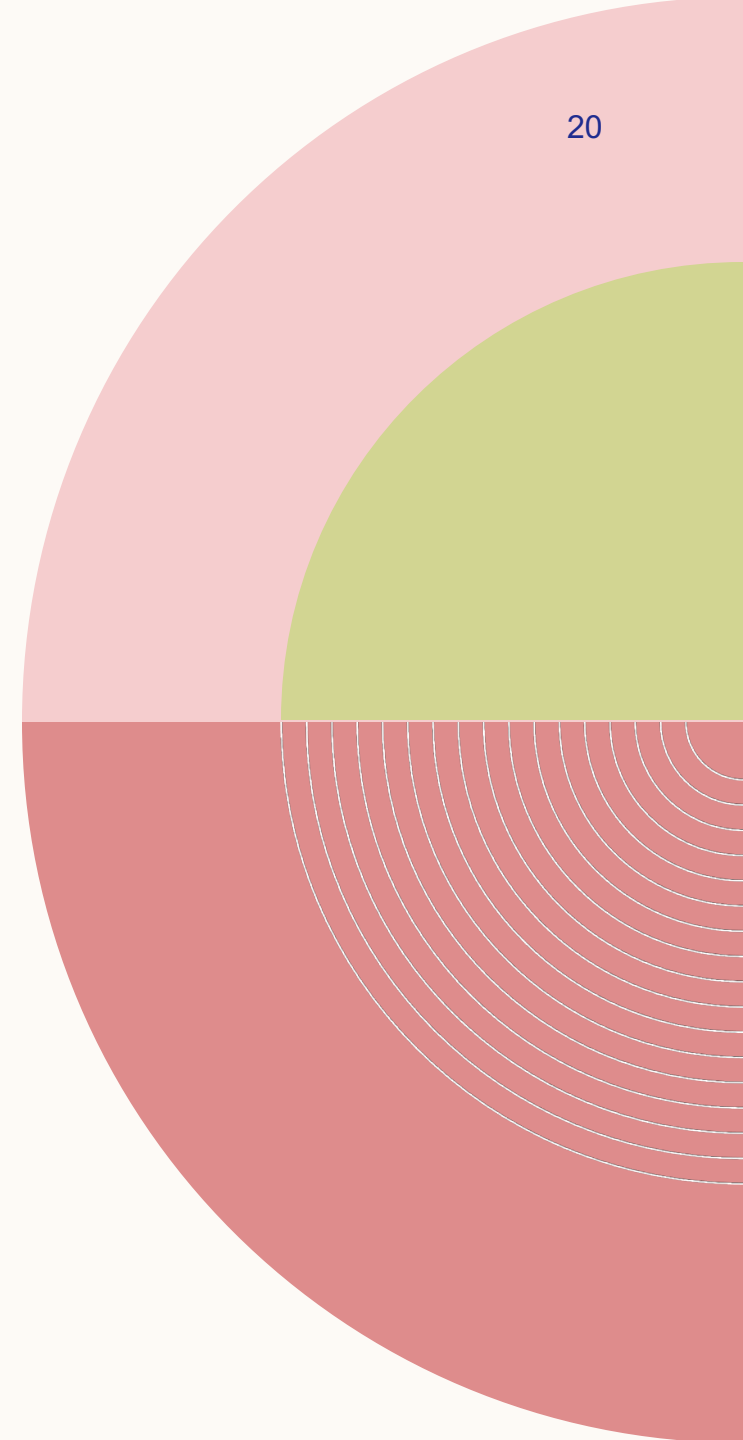
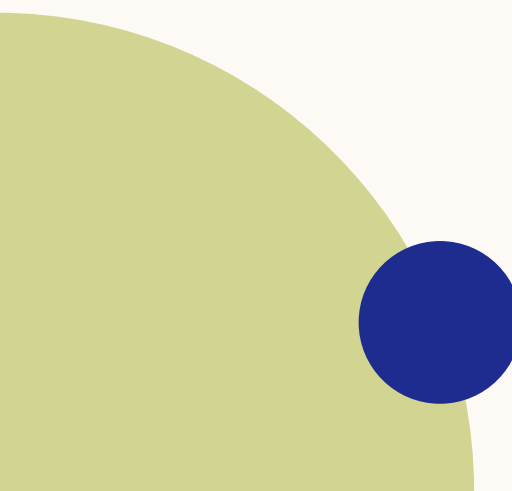
- Differs by state and territory – know the laws of your jurisdiction!
- More than just prescribing narcotics and controlled substances



FLOTSAM AND JETSAM

Other Examples and Discussion

LAND HO!



The background features a large, light cream-colored circle on the left and a large, light pink circle on the right. These two circles overlap in the center. The area where they overlap is filled with a series of thin, concentric white lines that radiate from the center of the pink circle. The top and bottom edges of the image are framed by a solid dark blue color.

**THANK YOU FOR TAKING
THIS VOYAGE WITH ME!**

Lauren Papillion