

Real Time Disciplinary Actions Against Registered Nurses for Professional Misconduct

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In my October 6, 2017 Bulletin, I reported a case of a nurse whose unprofessional conduct resulted in a lawsuit against her employer. The patient did not win the suit but the case illustrates how professional misconduct can result in a lawsuit alleging professional negligence on your part.

Professional misconduct can also lead to discipline by your state board of nursing based on the language in your state nurse practice act and its rules.

I thought you might like to review some of the many disciplinary actions taken by various boards of nursing based on professional misconduct by RNs. Some of the cases involve patients while others are based solely on the misconduct of the nurse licensee.

Board of nursing final disciplinary actions are public records. If your state board of nursing selects to do so, it can list their decisions on its website for anyone to examine.

What follows are a few of the charges and actions taken by boards of nursing that I reviewed on several board websites that I thought you might be interested in.

1. An RN pled guilty, and was found guilty, of State Benefits fraud. DISCIPLINARY ACTION---License suspended for one year.
2. An RN failed to maintain professional boundaries with a patient and used “intoxicants” to the extent or in a manner injurious to herself or others. DISCIPLINARY ACTION—License revoked.
3. An RN did not cooperate with the board of nursing during an investigation of her conduct. DISCIPLINARY ACTION—License suspended for a minimum of 14 days.
4. An RN violated a patient’s right to privacy. DISCIPLINARY ACTION—Nurse was reprimanded.
5. An RN’s documentation was inaccurate, she removed supplies from the workplace without authorization, and failed to conform to essential standards of acceptable nursing practice as defined in the state nurse practice act. DISCIPLINARY ACTION—Nurse was reprimanded.
6. An RN left her nursing assignment without properly notifying her supervisor, documented inaccurately and incompletely, and failed to conform to essential standards of applicable nursing practice as defined in the state nurse practice act. DISCIPLINARY ACTION—License suspended for one year followed by one year of probation.
7. An RN submitted timecards to her healthcare staffing firm for work she did not do at a healthcare facility in the amount of \$40,510.44. DISCIPLINARY ACTION—License indefinitely suspended for a minimum of seven years, a fine of \$1000.00, and assessed

costs for the investigation in this matter.

8. An RN was observed making an inappropriate comment to a patient she was trying to return to bed. When the patient became combative, the RN grabbed the patient's arm and said: "You don't hit me, do you understand? Nobody has a right to hit me". She then "leaned into" the patient and said: "If you hit me, you are a dead man". DISCIPLINARY ACTION—A Warning was issued in respect to this nurse's license. The RN was also admonished to continue to meet all nursing board requirements for maintain a license, license renewal and license reinstatement.
9. An RN was more than 30 days delinquent in paying child support obligation. DISCIPLINARY ACTION –License suspended.
10. An RN falsified prescriptions. DISCIPLINARY ACTION—Indefinite suspension of license for a period of 2 years.

It is important to note that the disciplinary actions taken against the RNs involved took place after all legal protections for the nurse and procedural mandates were met. Even so, the disciplinary actions persist and adversely affect the nurse licensee's professional and personal reputation.

Moreover, an RN who is disciplined with a suspension or probation must petition the board for a reinstatement of his or her license or removal of the probation. These procedures take time to complete, so the discipline remains in force until it is terminated by the board. In addition to the time involved, the RN will most likely need legal representation to do so at the nurse's own expense.

Boards of nursing make different decisions concerning allegations before them. In one state, a form of professional misconduct may result in a suspension while in another state that same transgression may result in a reprimand or probation.

You may not agree with the results of the boards of nursing in this brief review. You may see one board as too harsh or another not harsh enough based on the allegations as presented here.

One thing is certain: You do not want to test how your board of nursing responds to allegations of professional misconduct, whatever they might be. Rather, you need to be ever mindful of your conduct and its repercussions. Because you are a licensed professional, you must avoid professional wrongdoing at all costs.

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Author:

Nancy Brent