# State and Territorial Boards of Nursing

# What Every Nurse Needs to Know

NCSBN

*National Council of State Boards of Nursing*

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## What Every Nurse Needs to Know

More than 100 years ago, state governments established boards of nursing (BONs) to protect the public's health and welfare by overseeing and ensuring the safe practice of nursing.

Today, BONs regulate and oversee nursing practice by enforcing the nursing laws of your state or jurisdiction.

BON structures and decision-making powers and authority are unique for each state. Individuals who serve on a BON are appointed or elected to their position. State law dictates the membership of the BON, which typically includes:

- Registered nurses (RNs);
- Licensed practical/vocational nurses (LPN/VNs);
- Advanced practice registered nurses (APRNs); and
- Consumers.

Responsibilities of a BON vary from state to state, but generally include:

- Enforcing the state's nurse practice act (NPA) and nurse licensure;
- Accrediting or approving nursing education programs;
- Developing practice standards;
- Developing policies, administrative rules and regulations; and
- Addressing violations of the NPA.

Every nurse in the U.S. is responsible for knowing the state's NPA and regulatory requirements for nursing for every jurisdiction in which they hold a license. Since laws, rules and regulations may change over time, it is also necessary to periodically review the NPA that can be found on each BON's website.

A violation of the NPA is serious and can result in a complaint being filed with the BON. The BON utilizes its authority to decide whether misconduct or unsafe practice has occurred and what action should be taken. Violations are taken very seriously since they can put patients at risk. This is why every nurse is responsible for understanding his/her scope of practice and other requirements outlined in the law.

## Violations of the Nurse Practice Act

Unsafe or incompetent nursing practice (including negligence) that puts patients at risk should be reported to the BON. Examples of serious reportable behaviors that are considered violations of the NPA include the following:

- Being impaired by drugs or alcohol while working;
- Stealing from a patient/client, including medications;
- Providing treatment or care that should be provided only by a physician or APRN;
- Falsifying records;
- Boundary issues, including abusing a patient physically or sexually; and
- Involvement in criminal conduct.

## The Process for Reporting a Violation (Filing a Complaint)

Any person who has knowledge of conduct by a licensed nurse that may violate a nursing law or rule, or related state or federal law, should report the alleged violation to the BON where the situation occurred.

Many states have mandatory reporting and a nurse may be required by law to file a report of any instances of unsafe practice or misconduct by another nurse to their BON.

Most states require a written and signed description of the practice or behavior that is being reported. Many states have complaint forms available on their websites or you may call the BON to request information on how to file a complaint. The BON needs enough information to be able to determine if the individual is a nurse licensed by the BON or a licensure applicant, and whether the alleged practice or behavior, if true, is a violation of a law or rule that the BON has authority to enforce. Provide as much detailed information as possible about the situation, including names, dates, times and places. You can check your BON's website for information on filing a complaint or for contact information.

## Frequently Asked Questions

***Can one get in trouble for filing a report if the BON determines a violation of the NPA did not take place?***

Most states have laws that protect the complainant from civil liability when a complaint is filed while acting in good faith.

***Is the name of a complainant kept confidential?***

Most states protect the identity of a complainant; however, if someone is a key witness to the conduct in question, he/she may be asked for more information that will be needed in the case.

***What happens once a complaint is filed?***

First, a determination is made as to whether or not the facts, as alleged, violate existing laws or regulations that govern the nurse's practice. Some things, even if proven true, may not be within the parameters of grounds for discipline. For example, concerns about dress, appearance or personality are not usually within the jurisdiction of the BON.

Sometimes a complaint does not provide sufficient information to identify the nurse in question.

### Investigation

If the complaint addresses an issue within the authority of the BON, then evidence is gathered and interviews are conducted. The process used to investigate and act on a complaint may vary depending upon the seriousness of the allegations and the timeliness of the complaint. Investigations can include requesting additional documents or information from complainants; asking the licensee to respond to allegations in writing; and full investigations with site visits and witness interviews.

### Proceedings

If disciplinary action is warranted, the BON can take various actions with public safety as a priority. The BON's goal is to investigate the complaint, handle the issue in a fair and appropriate manner, take the best course of action to protect the public, and ultimately prevent further incidents.

The nurse (respondent) is given an opportunity to respond to the allegations and present his/her side of the story. BONs vary in the methods used to obtain the nurse's perspective on what happened. Proceedings can range from informal conferences (a meeting with board members or staff) to full formal hearings (similar to a trial). Board actions (board decisions) can include additional education or courses, assisting the nurse with obtaining help for alcohol or chemical dependency, restricting practice, or removal of a license. As a public entity, the BON must keep a public record of all disciplinary actions.

## What should you do if you are the subject of a complaint?

If you receive notice that you are the subject of a complaint, contact the BON immediately. The investigation, from initial complaint until board decision, will be handled in a fair and appropriate manner. Your BON has an established process in place to ensure your rights under the law. A BON representative will describe the details to you and answer any questions you may have.

Nurses in your state are among the best in the country and work hard to practice safely and competently. Your board of nursing is working diligently to support nurses in this effort.

Your board of nursing can be contacted at:

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402.471.4376

www.hhs.state.ne.us/crl/nursing/nursingindex.htm

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