In the event there is evidence of a violation of the NPA, disciplinary proceedings occur. The law provides for participation in the disciplinary proceedings by the nurse.

Will I lose my license?

Depending on the nature of the findings and the violations of the NPA, the staff may offer the nurse a Consent Order with stated Findings of Fact and Conclusions of Law and disciplinary action. Disciplinary action options include a reprimand, probation, and/or suspension of the license, and may require the nurse to comply with certain terms in order to return to or continue nursing practice.

Upon request or refusal to participate by the nurse, scheduling of an Administrative Hearing before a hearing officer will occur. An attorney for the Board will present witnesses and evidence to prove the violations. The nurse then has the opportunity to testify on his or her behalf and present the case through witnesses and evidence.

Disclaimer: The information provided in this pamphlet is not intended to be legal advice or a complete explanation of legal rights.

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THE INVESTIGATIVE PROCESS

Peggy Sellers Benson, RN, MSHA, MSN, NE-BC Executive Officer

The investigation of a licensed nurse, regardless of how the complaint comes to the attention of the ABN, can generate a variety of emotions and questions from the nurse under investigation. The ABN takes numerous steps to ensure fairness for the nurse during the process of the complaint which has alleged a violation of the Nurse Practice ACT (NPA).

Alabama Board of Nursing

The ABN's mission is to safeguard and promote the health, safety, and welfare of the public through licensing and approval of qualified individuals and adopting and enforcing legal standards for nursing education and nursing practice. To further that mission, the ABN receives and investigates complaints against individual licensed nurses who are alleged to have violated the legal standard for nursing.

What prompts an investigation?

A written complaint alleging a violation of the NPA may be received by the Board. The written complaint may arise from various sources, including employers, law enforcement, patients, relatives, and anonymous sources. Following receipt of the written complaint, a notice that an investigation of an alleged violation of the NPA is underway is mailed to the nurse.

If a nurse believes that his/her competence and safety to practice is impaired or compromised dye to the use or abuse of drugs or alcohol or as a result of a physical or mental condition, the nurse may request review for eligibility for participation in "VDAP," the Board's disciplinary alternative program. Review of the information provided determine whether the nurse meets the eligibility requirements. If the nurse does not meet VDAP eligibility requirements, further review and investigation of the complaint will occur.

Who represents the nurse?

During the investigation, the nurse may seek and retain legal counsel. Some nurses misunderstand the role of the Board and request appointment of an attorney to represent the individual. The ABN does not pay for an attorney for the nurse and does not provide legal services or advice.

Is the investigation public?

The U.S. Constitution, the NPA, and the Alabama Administration Procedure Act ensure due process rights. Investigations are private and, if the nurse wants Board staff members to respond to inquires from specific individuals during the course of the investigation, the ABN requires the nurse to submit a release form.

What happens to the license during the investigation?

A nurse who is under investigation is eligible to maintain and renew his/her license during the investigation. Additionally, the nurse may continue to practice or seek employment as a nurse. The ABN directs the nurse to keep the Board apprised, in writing, of nursing employment and contact information.

What happens during an investigation?

Special Investigators collect information from many sources. A search of the State Judicial Information System (SJIS), NURSYS®, and the internet are routinely performed in the course of all investigations. The ABN asks the nurse to provide specific records in connection with the Board's investigation. Contact with the Special Investigator is the first, but not the only opportunity, for the nurse to provide a written response to the allegation(s) and any evidence to refute the allegation(s). Master's -prepared registered nurses employed by the Board review allegations that involve practice as a nurse, including the records gathered in the investigation.

How long does the process take?

Resolution of complaint investigations within six months is a key performance measure. The process may be lengthened by other factors, including locating witnesses that may have moved, delay in response to subpoenas, lack of cooperation from witnesses or nurses, and subsequent complaints.

What happens after the investigation?

At the conclusion of the investigation, a Board attorney determines whether there is sufficient evidence to substantiate a violation of the NPA. If the complaint is dismissed, there is no public record of the allegation.