

LEGAL BASICS FOR NURSES

What is a Licensure Defense Attorney?

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Imagine that you open your mail and find correspondence indicating a complaint has been filed against your license with the state board of nursing. There are a thousand questions running through your mind. Should you respond in writing to the allegations, contact the nursing board to ask additional questions, or seek legal representation? A licensure defense attorney can help you through this complex situation.

The role of state boards of nursing is to protect the public from unsafe nursing care; not to advocate for individual nurses. Given this perspective, licensure investigations and hearings are adversarial matters. This is an important point to remember because the majority of nurses represent themselves in licensure disciplinary investigations and hearings.

An alternative approach to representing yourself is to engage a licensure defense attorney. These legal experts can:

1. Objectively review the allegations in the complaint;
2. Represent you in the investigation and adjudicative (hearing) process;
3. Advise you on the potential range of sanctions the board imposes in similar cases;
4. Assist you in preparing your written response to the complaint;
5. Prepare you for any meetings and hearings with board staff or before board members, a hearing officer, or panel;
6. Counsel you on the implication board action may have on your employability and nursing career;

7. Counsel you on employment issues that surface during nursing board investigations;
8. Advise you on the pros and cons of settling the complaint vs. proceeding to an adjudicative hearing;
9. Assist you in formulating your defense to the complaint; and
10. Educate you on the administrative law process and procedure for board of nursing investigations and hearings.

Licensure defense attorneys may belong to the American Association of Nurse Attorneys (TAANA) or participate in activities of the Federation of Associations of Regulatory Boards (FARB), or National Association of Hearing Officers (NAHO).

Resources:

American Association of Nurse Attorneys
(www.taana.org)

Federation of Associations of Regulatory Boards
(www.farb.org)

National Association of Hearing Officers (www.naho.org)

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