



Frequently Asked Questions

Roles of State Boards of Nursing: Licensure, Regulation and Complaint Investigation

What is the role of state boards of nursing?

State boards of nursing are government agencies charged with regulating nursing practice. The boards protect the public by ensuring that standards of nursing practice are met and nurses are competent in their practice. Typical powers and duties of a board of nursing include:

- Interpreting and enforcing the state nurse practice act
- Administering nurse licensure by overseeing exams to grant licenses and taking action against licenses of nurses who have exhibited unsafe nursing practice
- Accrediting or approving nurse education programs
- Developing nursing practice standards from the regulatory standpoint
- Developing policies, administrative rules and regulations

The board investigates complaints concerning nurses' compliance with the nurse practice law in each state, holds hearings for license holders, and determines and administers disciplinary actions based on evidence of violations of the law.

The [National Council of State Boards of Nursing](http://www.ncsbn.org) (NCSBN) has comprehensive information about the roles and responsibilities of the board. To find information on one of the individual state boards of nursing: <https://www.ncsbn.org/contactbon.htm>.

What are state nurse practice acts?

Nurse practice acts in each state are laws that define responsibilities of the nurse and “scope of practice” – the range of activities and services as well as the qualifications for practice. The acts are intended to protect patients from harm as a result of unsafe or incompetent practice, or unqualified nurses. The nurse practice act describes what constitutes unprofessional conduct or misconduct, and investigation and the disciplinary procedures for complaints filed against a nurse. The act also could authorize the board of nursing to describe these parameters through regulation.

State boards of nursing ensure compliance with state nurse practice acts.

To find information on a state nurse practice act from a particular state, go to, <https://www.ncsbn.org/contactbon.htm>, and click on the state.

What is the role of professional nurses associations in cases that come before a state board of nursing?

It is the responsibility of the state boards of nursing to enforce each state's nurse practice act with the goal of protecting the public. ANA recognizes the authority and responsibility of boards of nursing to investigate complaints, hold hearings and render findings on issues concerning nurse licensure. Therefore, ANA typically does not become involved during the investigation and adjudication of a case concerning a nurse's license. The facts of a case before a board of nursing generally are only available to the regulatory body, which is uniquely positioned to evaluate the complaint and defense.

ANA appreciates how difficult it is for a nurse to undergo an investigation of his or her practice by the state board of nursing. ANA expects state boards of nursing to follow standard procedures, render unbiased judgments and be fully transparent in their findings.

Should professional nurses associations represent nurses who have cases before a state board of nursing?

ANA and state nurses associations do not represent nurses in complaints that are filed with state boards of nursing. It is not part of the professional associations' responsibilities to oversee the licensure or professional competence of individual practitioners. The independent state boards of nursing were established to regulate the nursing profession, and investigate and adjudicate complaints related to the licensure of nurses.

Has ANA defended nurses?

Yes, ANA often has supported nurses who have raised concerns on behalf of patients about unsafe care or incompetent practice, and will continue to do so. These are a few examples:

- From 2009 to 2011, ANA publicly supported two Winkler County, Texas hospital nurses who reported their concerns about unsafe practices of a physician to the Texas Medical Board. As a result of their whistleblower actions, the "[Winkler County nurses](#)" were criminally investigated and prosecuted by county officials.
- In 2008, ANA filed an *amicus* brief (friend of the court) in support of a group of [Filipino nurses](#) who had complained to their employer about unsafe patient care conditions and contract violations, and eventually left their jobs. The nurses were criminally charged with patient endangerment.
- Also in 2008, ANA provided support, in defense of the Health Care Worker Whistleblower Protection Act, to a [Maryland nurse](#) who had reported practices that she believed were unsafe and illegal to her employer. The nurse was fired.

Under what circumstances will ANA speak up for an individual nurse?

Each case involving a nurse's professional practice and license is different and requires consideration based upon its particular circumstances and merit. Many complaints against nurses are filed with state boards of nursing each year.

In general, ANA publicly speaks out in support of a nurse or nurses in cases involving an issue of national significance and when the facts of the case are clearly discernable and support the actions of the nurse(s).

Do nurses place themselves at risk by advocating for patients?

Advocating for patients is a core principle and obligation of nursing, as outlined in the [*Code of Ethics for Nurses with Interpretive Statements*](#). Specifically, the code says, “The nurse’s primary commitment is to the health, well-being, and safety of the patient...As an advocate for the patient, the nurse must be alert to and take appropriate action regarding any instances of incompetent, unethical, illegal or impaired practice...that places the rights or best interests of the patient in jeopardy.”

Some degree of risk is inherent in advocating for patients. Advocacy, by its nature, can lead to conflict. As long as the advocacy falls within provisions of the *Code of Ethics* and *Scope & Standards* documents, the actions could be deemed necessary and defensible.

What should a nurse do if he or she has a complaint filed against them with the board of nursing?

ANA advises that any nurse who has been alerted by the state board of nursing of a complaint and an impending investigation retain legal counsel for representation during the process. The [*American Association of Nurse Attorneys*](#) can provide resources and referrals.

Nurses should be familiar with provisions of their state nurse practice act. (See your state board of nursing website for more information on your state’s nurse practice act.) A thorough understanding of the practice act may help you avoid situations that could prompt a complaint.

Nurses who are members of their state nurses association should consider contacting their association to see what helpful information or resources can be provided.

Each case is different, and courses of action should be determined based on the specifics of each case.

What resources does ANA have to assist nurses who are being investigated by the board of nursing?

Two key ANA resources that could assist nurses in cases before the board of nursing are the [*Code of Ethics for Nurses with Interpretive Statements*](#) and *Nursing: Scope & Standards of Practice*. These foundational documents that define the responsibilities and standards of the profession can be used to help justify actions that form the basis of a complaint.

See: www.nursesbooks.org for information on the *Scope & Standards* book.

What can be done if you are concerned about the operations of a board of nursing?

Nurses who are the subject of a complaint can learn about the [Complaint Process](#) and their due process rights on the NCSBN website, which also includes the video, [The Board of Nursing Complaint Process: Investigation to Resolution](#).

Many aspects of boards of nursing actions are considered public information, so a nurse can request information that may relate to the case. Due process requires that the nurse receive specific information regarding the complaint filed against him or her. If licensure status is adversely affected by disciplinary action, a nurse should obtain the board's requirements for the nurse's license to be reinstated.

Should nurses who are the subject of a complaint filed with a state board of nursing go public with their case by, for example, writing about it on social media websites?

ANA acknowledges the rights of any nurse to speak or write publicly about a case. However, ANA also advises nurses to be fully aware of the potential consequences of posting information regarding patients, employers or co-workers via social media channels. Given the explosive growth of social media channels, last September ANA released its [Principles for Social Networking and the Nurse: Guidance for the Registered Nurse](#), a resource to guide nurses and nursing students in how they maintain professional standards in new media environments.

In addition, a nurse should consult an attorney before making a decision to publicly speak about a complaint filed against him or her.