

**LOUISIANA STATE BOARD OF NURSING**  
**17373 Perkins Road**  
**Baton Rouge, LA 70810**  
**Phone (225) 755-7500**  
**Fax (225) 755-7582**

**GUIDELINES FOR REPORTING VIOLATIONS OF  
THE NURSE PRACTICE ACT OF LOUISIANA**

**AND RULES AND REGULATIONS OF THE BOARD OF NURSING**

**CAUSES FOR DISCIPLINARY PROCEEDINGS AGAINST REGISTERED NURSE/STUDENTS**

The Board of Nursing may deny, revoke, or suspend any license to practice as a registered nurse, or otherwise discipline an individual, including students in clinical nursing courses, in accordance with its statutory authority granted in La. R.S. 37:911, et seq. Every individual subjected to disciplinary proceedings shall be afforded all rights of due process.

A complaint that an individual has engaged in, or is engaging in, any conduct proscribed by the Nurse Practice Act or the rules of the Board of Nursing, may be made by any person. The causes for disciplinary action, in accordance with the Nurse Practice Act and the rules of the Board, are as follows. Respondent:

1. is guilty of selling, or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse;
2. is convicted of a crime or offense which reflects the inability of the nurse to practice nursing with due regard for the health and safety of clients or patients or enters a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including, but not limited to, expungement or nonadjudication;
3. is unfit or incompetent by reason of negligence, habit, or other cause including:
  - a. failure to practice nursing in accordance with the legal standards of nursing practice;
  - b. possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing;
  - c. failure to utilize appropriate judgment;
  - d. failure to exercise technical competence in carrying out nursing care;
  - e. violating the confidentiality of information or knowledge concerning the patient;
  - f. performing procedures beyond the authorized scope of nursing or any specialty thereof;
  - g. performing duties and assuming responsibilities within the scope of the definition of nursing practice when competency has not been achieved or maintained, or where competency has not been achieved or maintained in a particular specialty;
  - h. improper use of drugs, medical supplies or equipment, patient's records, or other items;
  - i. misappropriating items of an individual, agency, or entity;
  - j. falsifying records;
  - k. failure to act, or negligently or willfully committing any act, that adversely affects the physical or psychosocial welfare of the patient, including but not limited to, failing to practice in accordance with the Federal Centers for Disease Control recommendations for preventing transmission of Human

Approved: July 15, 2014

Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and Hepatitis C Virus (HCV);

- l. delegating or assigning nursing care, functions, tasks, or responsibilities to others contrary to regulations;
  - m. leaving a nursing assignment without properly notifying appropriate personnel;
  - n. failing to report, through the proper channels, facts known regarding the incompetent, unethical, illegal practice or suspected impairment due to/from controlled or mood altering drugs; alcohol; or a mental or physical condition of any healthcare provider.
  - o. failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider;
  - p. failing to report to the Board one's status when one performs or participates in exposure-prone procedures and is known to be a carrier of the Hepatitis B virus or human immunodeficiency virus, in accordance with LAC 46:XLVII.4005;
  - q. has violated a rule adopted by the Board, an order of the Board, or a state or federal law relating to the practice of professional nursing, or a state or federal narcotics or controlled substance law;
  - r. inappropriate, incomplete or improper documentation;
  - s. use of or being under the influence of alcoholic beverages, illegal drugs or drugs which impair judgment while on duty, to include making application for employment;
  - t. failure to cooperate with the Board by:
    - i. not furnishing in writing a full and complete explanation covering a matter requested by the Board;
    - ii. not providing information, documents/records, reports, evidence or any other requested items within the designated time period to the board office as requested by the board/board staff;
    - iii. not responding to subpoenas issued by the Board in connection with any investigation or hearing; or
    - iv. not completing evaluations required by the Board;
  - u. exceeds professional boundaries, including but not limited to sexual misconduct;
  - v. use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed;
  - w. attempted to, or obtained, a license (including renewals), permit or permission to practice as a registered nurse, nurse applicant, or student nurse by fraud, perjury, deceit or misrepresentation;
  - x. false statement on application; and
  - y. failure to comply with an agreement with the Board
4. has demonstrated actual or potential inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition;
  5. is guilty of aiding or abetting anyone in the violation of any provisions of this Part;
  6. is mentally incompetent;
  7. has had a license to practice nursing or to practice as another health care provider denied, revoked, suspended, or otherwise restricted;

Approved: July 15, 2014

8. is guilty of moral turpitude; or
9. violated any provision of the Nurse Practice Act.

### **REPORTING NURSING PRACTICE INCIDENTS**

Complaints about persons who do not have the required license to practice as registered nurses should be addressed to the Board of Nursing or to the local District Attorney. Complaints about persons who are student nurses or licensed to practice as registered nurses should be addressed to the Board of Nursing. Pursuant to LAC 46:XLVII.3407.B. communication from the informant shall not be revealed to any person unless such documents shall be offered for evidence in a formal hearing, or unless those documents are being subpoenaed by a court, or requested by other regulatory or law enforcement agencies.

Recommended steps to be taken prior to filing a complaint:

- Establish the identity of the registered nurse involved and the unlawful act or practice involved.
- Report suspected problems immediately to the nurse's supervisor, or the person in authority.
- Verify the violations through official records, when possible. Records should be secured, copied, and submitted to the Board.

All complaints submitted should be in writing and should contain the following information:

- The name of the complainant, with mailing address, phone numbers and email address.
- Correct spelling of the nurse's full name, license number or social security number if known.
- A detailed summary of each alleged violation of the Nurse Practice Act (NPA).
- Time, place and date of each alleged incident and patient's name and date of birth;
- Circumstances, names and addresses and phone numbers of witnesses or persons who have direct knowledge of the incident(s);
- Signed and dated eyewitness statements.
- Employer only:
  - Application for employment;
  - Termination documentation if no longer employed;
  - Any other write-ups or counseling.
- Attach any and all supporting evidence supporting the allegations;
- Sign your name to the report and give an address and phone number where you can be reached in case additional information is needed from you.

**Incompetent or Unsafe Practice:** Provide specific information about the incident(s):

- Submit copies of accumulated evidence and relevant documents to include, but not limited to:
  - Doctor's Orders, Nurses' Notes, MARs, PYXIS Reports;
  - Drug screen results and chain of custody;
  - Signed and dated eyewitness statements, contact information for eyewitnesses.
- Any video, photographic or audio evidence.

**Arrest Record or Conviction of a Crime:**

- Name of the individual, arresting agency, the parish or county in which the arrest or conviction occurred, and the approximate date of arrest or conviction will suffice for an initial report.
- If a newspaper clipping is available, send it. A newspaper article which contains all of the required information may suffice.
- If any eyewitnesses are known, please identify them along with their contact information.

**Drug Misuse:**

- If the nurse is chemically addicted and is willing to comply with treatment and monitoring specifications, have the nurse self-report to the Recovering Nurse Program at (225) 755-7546.
- Report specific incident(s) as described in "Incompetent or Unsafe Practice."
- For suspected diversion and/or impairment on duty, provide:
  - Any and all urine drug screen results and chain of custody;

Approved: July 15, 2014

- Signed and dated eyewitness statements;
- Any other evidence such as audit reports showing any deviation or high removal of medications.
- For each medication suspected of being diverted or of concern provide:
  - Doctor's Orders;
  - Nurses' Notes and MARs for the entire day;
  - Electronic or paper dispensing report to include removals and documented waste of medications.
- In addition, consider reporting incident(s) to local, state or federal drug enforcement agencies or to the District Attorney if there has been theft of drugs, falsification of records subject to federal and state laws.
- Any video, photographic or audio evidence.

If medical records are submitted, the identity of any patient identified in or by such records or information shall be maintained in confidence by the Board and shall be deemed a privilege of confidentiality existing in favor of any such patient. For the purpose of maintaining such confidentiality of patient identity, the Board shall cause any such medical records or the transcript of any such testimony to be altered in order to prevent the disclosure of the identity of the patient to whom such records or testimony relates. La R.S. 37.922.C.

**In accordance with LA R.S. 37:922(C), please do not redact patient identifiers.**

The Board of Nursing has no jurisdiction over incidents and problems which are related to administration and management of an employing agency unless there is a concomitant violation of the Nurse Practice Act or of the Rules of the Board of Nursing.

Complaints which deal with fee disputes are not within the jurisdiction of the Board.

The Board of Nursing functions under administrative law. Criminal court action or civil lawsuits provide relief in complaints over which the Board has no jurisdiction.

The types of cases over which the Board of Nursing has jurisdiction are enumerated in these guidelines. Pursuant to LAC 46:XLVII.3407.B. communications from the informant shall not be revealed to any person unless such documents shall be offered for evidence in a formal hearing.

Submit completed Complaint Form or reports to:

Louisiana State Board of Nursing  
Attn: Director of Investigations  
17373 Perkins Road  
Baton Rouge, Louisiana 70810

Upon receipt of your report the professional staff of the Board will initiate action on the report. Any other information related to the Investigative Process may be located at:

<http://www.lsbn.state.la.us/Discipline,Complaints,MonitoringRNP/Investigation.aspx>

# COMPLAINT FORM



## Louisiana State Board of Nursing

17373 Perkins Road

Baton Rouge, LA 70810

Telephone: (225) 755-7500 Fax: (225) 755-7584

<http://www.lsbn.state.la.us>

Please Print or Type

1. Full name and License Number (if known) of Registered Nurse or Advanced Practice Registered Nurse (RN/APRN) about whom you are complaining:

\_\_\_\_\_ Name \_\_\_\_\_ License Number \_\_\_\_\_

2. Name of hospital, clinic, or employer of RN/APRN: \_\_\_\_\_

Address of RN/APRN's Employer (if known): \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Approximate Date(s) of Incident(s): \_\_\_\_\_

3. What is the nature of the complaint regarding this nurse? Identify the cause for complaint in accordance with the Nurse Practice Act & Rules of the Board (e.g., failure to provide nursing care, substance abuse, etc.). See pages 1-2.

\_\_\_\_\_  
\_\_\_\_\_

4. Names and phone numbers of any other witnesses who might be willing to cooperate with the LSBN.

\_\_\_\_\_ Witness Name \_\_\_\_\_ Phone number \_\_\_\_\_

\_\_\_\_\_ Witness Name \_\_\_\_\_ Phone number \_\_\_\_\_

\_\_\_\_\_ Witness Name \_\_\_\_\_ Phone number \_\_\_\_\_

5. Please attach a detailed description of your complaint, with any supporting documentation or evidence, as required on the Reporting Nursing Practice Incidents Guidelines. See page 3.

6. Name of complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ Evening phone number: \_\_\_\_\_

Email address: \_\_\_\_\_

7. Name of patient (if different) and patient's date of birth (if patient is involved):

\_\_\_\_\_ Patient Name \_\_\_\_\_ Patient Date of Birth \_\_\_\_\_

8. Relationship of complainant to patient: \_\_\_\_\_ Date form completed \_\_\_\_\_

9. I hereby attest that the complaint is valid and these facts are true and correct to the best of my knowledge.

\_\_\_\_\_ Complainant's Signature

*Please mail to Investigations Department at above address, with detailed summary of the incident, and copies of all evidence to support the allegations.*