

HOW TO PROTECT YOUR LICENSE AGAINST ACCUSATIONS

If you've received an accusation against your RN license from the California Board of Registered Nursing (BRN), there are a few things you must know. The most important one is that you very likely won't have your RN license revoked or suspended, despite what it says.

An accusation against your RN license means that the BRN and its attorneys have proven by the standard of clear and convincing evidence that you have violated the "Nurse Practice Act" to a degree that you are no longer safe to practice as a nurse.



WHAT SHOULD I DO IF I HAVE ACCUSATIONS AGAINST ME?

The most critical component of the accusation is the document called the notice of defense. The notice of defense notifies the BRN that you wish to DEFEND yourself against the accusation. Without that little piece of paper being filed within the short 14-day window, your RN license will be revoked on a default order.

The next important part of the accusation against your RN license is the discovery section. This section means that you only have a certain amount of time to request the information that the BRN has on you and to give the BRN the information you wish to present in your defense. Missing the discovery deadlines may mean that you may never have all the facts in the case against you, nor will you be able to present evidence in your favor.

WHAT IS THE DIFFERENCE IN A HEARING OR SETTLEMENT?

HEARING

If you elect a hearing, it will be set out months away, typically 6 or more. Your case will be heard by an administrative law judge and his decision will be submitted to the BRN for adoption.

The benefit of a hearing is that you have an impartial party listening to all the facts of your case, and then rendering an advisory decision to the BRN. You will often get a better result and lesser discipline by taking the matter to hearing. The downside of a hearing is that BRN can overturn the Judge's decision if they don't feel it is adequate and it is far more expensive.

SETTLEMENT

If you request a stipulated settlement, you can begin negotiations right away. Stipulated settlements are negotiations between you and the deputy attorney general directly and the settlement offer will be submitted directly to the BRN for approval.

The benefit of a settlement, is the deal the deputy attorney general (DAG) agrees to and submits to the BRN, is almost always guaranteed to be adopted by the BRN. It also costs much less. The downside to stipulated settlement is, that the discipline imposed is almost always probation.

WE CAN HELP PROTECT YOUR LICENSE!

We defend thousands of nurses each year with accusations against their licenses. We have a 98% success rate in saving our client's licenses. If the accusation involves charting errors, medication discrepancies, minor patient care issues, a DUI, or other alcohol/drug-related conviction, you will not lose your RN license.

The four main reasons nurses are losing their license:

1. They didn't file their notice of defense on time.
2. They underestimated the seriousness of the accusation and tried to handle the case on their own.
3. They hired an attorney who didn't know what they were doing.
4. The violation was so egregious that revocation was appropriate.

3 out of 4 of those reasons can be avoided by hiring an attorney at the very beginning whose expertise is in saving RN licenses.