

## Oregon State Board of Nursing

# OSBN Investigation & Discipline Process

### Complaint

- Complaints regarding nurses or nursing assistants may be filed anonymously using the online Complaint Form. Any person or entity may file a complaint.
- Oregon law directs that all information about specific investigations be confidential, including who makes a complaint. This encourages consumers and licensees to make valid complaints without fear of retaliation or other negative acts.
- Please do not ask Board staff to reveal the complainant for any case, as staff is strictly prohibited by law from doing so.
- The Board is required by Oregon law to evaluate/investigate any complaint it receives for possible violations of the Nurse Practice Act.

### Investigations & Interviews

- If a case is opened, the investigator then gathers and reviews documentation such as police reports, incident reports, witness statements, court records, personnel records, and medical records.
- Investigator's "interview" or meet with the licensee or certificate holder in person or by phone. The investigative interview is informal and confidential, and its purpose is to gather additional facts. It provides an opportunity for the licensee or certificate holder to meet with the Board staff and provide information about the allegations in the complaint.
- Because this meeting is strictly confidential, only the licensee or certificate-holder and investigative staff may be present. An exception will be made only in the event that the licensee/certificate-holder chooses to be accompanied by an attorney who is representing them in the OSBN Investigation.
- Once the investigator has completed her/his investigation, they compile all of the information gathered into a confidential Investigator Report that goes to the Board members.

### Board Meeting

- The Oregon State Board of Nursing is a panel of nine members appointed by the governor.
- The Board meets 12 times each year: five in-person meetings (February, April, June, September & November) and seven virtual meetings (January, March, May, July, August, October and December).
- Based upon the facts of each case, the Board decides whether a violation of the Nurse Practice Act has occurred.
- If the Board determines a violation did not occur, it will dismiss the case without disciplinary action.
- If the Board determines a violation did occur, then the Board must also decide what level of discipline to apply, if any.

### Actions the Board Can Take

- Dismiss the case or Dismiss with a letter of concern (not discipline, no public record created).
- Reprimand—A formal notice to the licensee that Board statutes/rules have been violated.
- Probation—An imposition of restrictions or conditions under which a licensee must practice.
- Suspension—A period of time during which a licensee may not practice nursing or perform CNA authorized duties.
- Revocation—A removal of a license or certificate for a minimum of three years.
- Voluntary Surrender—The licensee agrees to surrender their license and/or certificate for a minimum of three years.
- Denial—Board votes to not issue a license or certificate to an applicant. Civil Penalty—A fine of up to \$5,000.

### Due Process Rights

- If the Board decides that disciplinary action is appropriate in a given case, the Board will issue a Notice of Proposed disciplinary action. The person receiving the Notice will have a timeframe from the date the Notice was issued to request in writing a contested case hearing.
- If the person receiving the Notice does not request a hearing within the allotted time, the case will go back to the Board during their next meeting, the Board will issue a Final Order by Default, and the proposed discipline will go into effect.
- If the person receiving the Notice requests in writing a hearing within the allotted time, Board staff will notify the Oregon Office of Administrative Hearings and the case will be heard by an Administrative Law Judge (ALJ) during a "contested case hearing." The person receiving the Notice may hire an attorney to represent him/her at his or her own expense.
- After the contested case hearing, the ALJ will issue a Proposed Order. The Board then votes on whether to accept the Proposed Order and will ultimately issue a Final Order.
- If the licensee/certificate-holder does not agree with the Final Board Order, she/he may appeal to the Oregon Court of Appeals or, ultimately, the Oregon Supreme Court.