

## **TENNESSEE BOARD OF NURSING DISCIPLINARY POLICIES**

### **RE: DISCIPLINE**

**PURPOSE:** The purpose of these policies is to protect the health and safety of the citizens of Tennessee and to establish a consistent process for disciplinary action by the Tennessee Board of Nursing. These position statements are clarifications of positions adopted by the board March 1994.

### **AUTHORITY: Tennessee Code Annotated 63-7-115**

**(a) (1)** The board has the power to deny, revoke or suspend any certificate or license to practice nursing or to otherwise discipline a licensee upon proof that the person:

**(A)** Is guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing;

**(B)** Is guilty of a crime;

**(C)** Is unfit or incompetent by reason of negligence, habits or other cause;

**(D)** Is addicted to alcohol or drugs to the degree of interfering with nursing duties;

**(E)** Is mentally incompetent;

**(F)** Is guilty of unprofessional conduct; or

**(G)** Has violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate, any provision of this chapter or any lawful order of the board issued pursuant thereto.

### **POLICIES ON DRUG RELATED OFFENSES**

1. If a nurse's license has been revoked for a drug related offense(s), the board will require a minimum of two years documented sobriety prior to consideration of reinstatement of licensure.
2. If a nurse's license has been suspended for a drug related offense(s), the order will include a provision for consideration of probation provided the nurse is compliant with the suspension order.
3. In a disciplinary action, any nurse who is referred to TNPAP, and who, based on the findings of the board, would be a risk or possible risk to the public, should be placed on suspension pending evaluation by TNPAP. The license should remain suspended until such time as the licensee provides proof to the Board that a contract has been signed. At that time, the suspension should be stayed and the license placed on probation to run concurrent with the TNPAP contract. A condition of probation shall include the compliance with any request from TNPAP and compliance with all terms of the TNPAP contract.

### **POLICIES ON GENERAL CRIMINAL OFFENSES**

1. If a nurse's license has been revoked for a criminal offense(s), the board will require the nurse to provide evidence from the court that all sentences and probation requirements have been completed. This policy also applies to individuals seeking licensure by endorsement, examination and renewal.

2. If a nurse applies for either initial licensure, renewal of licensure, or reinstatement of licensure and has been convicted of a felony or second misdemeanor offense since last submitting an application, the board staff will deny such application and request the individual to appear before the Application Review Committee for licensure recommendation.

### **POLICIES ON LICENSURE REVOCATION**

1. If a nurse's license has been revoked for other than a drug related offense(s), the board will require a minimum of one year post revocation prior to consideration for reinstatement.
2. If a license has been revoked or suspended two or more times, the board may recommend in the order that the license not be reinstated.
3. When revoking licensure, the board may recommend in the order that a certain amount of time pass before it will reconsider reinstatement of licensure.
4. If a nurse applies for licensure by endorsement or renewal and has a license which is currently under revocation, suspension or probation in another state or jurisdiction for an offense which would be a violation under Tennessee law, the applicant will not be eligible for licensure or re-licensure in Tennessee until such time as the action in the other state/jurisdiction is clear.
5. Agreed Orders and Consent Orders will contain language that provides for revocation of licensure upon non-compliance with the order.

#### **Disciplinary Policies (formerly Reinstatement Procedures)**

**March 1996 – Adopted**

**March 1998 – Affirmed**

**March 1999 – Reaffirmed**

**June 1999 – Reaffirmed**

**December 2001 – Reaffirmed**

**February 2006—Adopted**

**February 2009- Reaffirmed**