

Disciplinary Policy Discipline of Nurses and Nursing Assistants with Dual Licensure or Certification

Licensees and certificate holders of the Board may hold more than one license/certificate concurrently in this state. Certified medication aides must also have a current certificate as a nursing assistant. Advanced practitioners of nursing (clinical nurse specialists, nurse anesthetists and nurse practitioners) must also have a current license as a registered nurse. Registered nurses may choose to hold a current license as a licensed practical nurse and/or a nursing assistant certificate.

When the Board investigates a complaint regarding a licensee or certificate holder who holds another license or certificate, the Board will first determine the appropriate sanction to be imposed on the license/certificate for which the complaint was made. If the licensee/certificate holder possesses a second license/certificate, the Board will consider the following factors to determine whether the second license/certificate should also be sanctioned:

- The seriousness of the conduct or practice.
- The likelihood that the licensee/certificate holder would have the opportunity to repeat the same practice error if the second license/certificate is retained.
- The nature of the complaint in relationship to the scope of practice of that license/certificate versus the scope and responsibilities of the second license/certificate.
- The likelihood that the licensee/certificate holder would repeat the same conduct if the second license/certificate is retained.
- The risk to public health and safety if the second license/certificate is retained.

The following examples illustrate application of the above factors:

- A complaint of unsafe administration of medications by a certified medication aide which results in removal of the ability to function as a medication aide may not affect that person's ability to safely function as a nursing assistant who does not have the authority to administer medications.
- A complaint about the prescribing practices of a nurse practitioner which results in removal of prescribing authority may not affect that person's ability to safely practice as a registered nurse.
- A complaint about the practice of a nurse practitioner may be at risk for replication in practice as a registered nurse if the complaint involves basic concepts of nursing practice such as record keeping, communication, assessment and implementation skills and exercising appropriate judgment in the practice of nursing.
- A complaint about the unsafe practice of a registered nurse may be a risk for replication in practice as a licensed practical nurse, dependent on the nature and seriousness of the complaint and the scope and responsibilities of both levels of licensure.
- Unacceptable conduct towards patients, regardless of the level of licensure/certification, is likely to be repeated if a second license/certificate is retained.

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