

## How is a complaint filed?

A complaint may be submitted electronically through the complaint portal at: <http://wvnrnboard.wv.gov/complaints>.

Written complaints can be mailed to 5001 MacCorkle Ave., SW, South Charleston, WV 25309 or emailed to [rnboard@wv.gov](mailto:rnboard@wv.gov).

## Who can / should file a complaint?

As a member of the public you may file a complaint when you feel you have been mistreated or received improper care. Also, you may file if you believe that a licensee of the Board has engaged in incompetent, unethical, illegal or impaired activities which are related to his/her professional responsibilities.

Licenseses are mandated to report to the Board the incompetent, unethical, illegal or impaired practice of other Licensees.

All persons filing a complaint are responsible for being honest and providing the Board with information as specific as possible, therefore, the Board may conduct a thorough investigation.

## After a complaint is received, how is it processed by the Board?

Once a complaint is received, the person filing the complaint is sent a letter acknowledging receipt of the complaint.

The Licensee is notified of the complaint through a formal letter called a Notice of Complaint.

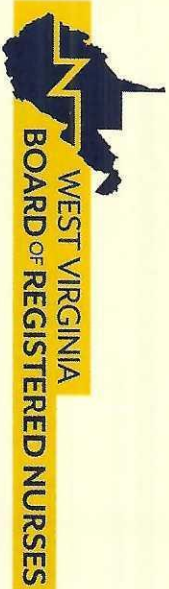
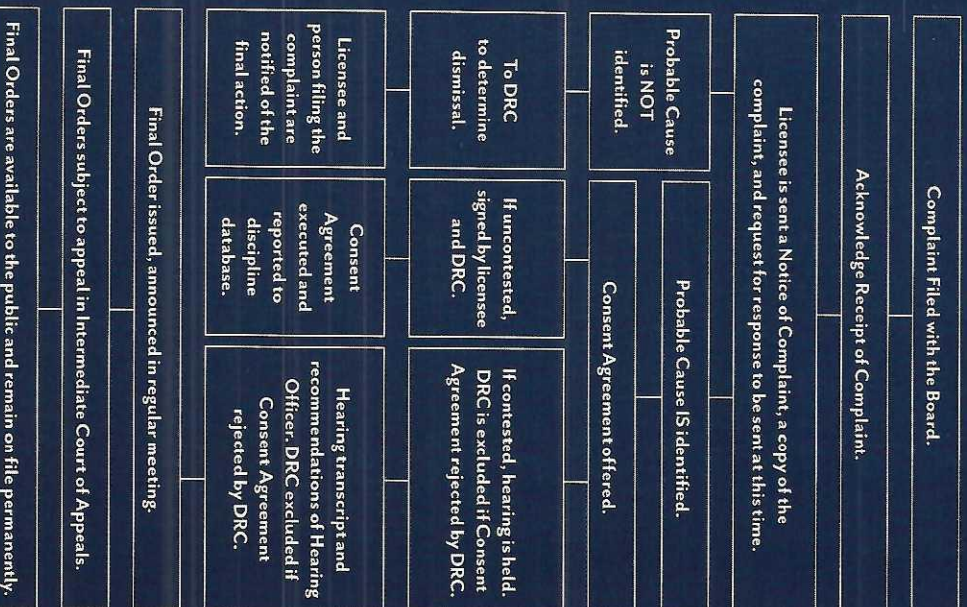
The licensee has fourteen (14) days after receipt of the Notice of Complaint to respond. He/she may request an extension in writing to the Board.

For more information on the Board's disciplinary process or to obtain a complaint form, please call (304) 744-0900 or 1-877-743-NURS (6877), or you may visit our web site at [wvnrnboard.wv.gov](http://wvnrnboard.wv.gov) or e-mail us at [rnboard@wv.gov](mailto:rnboard@wv.gov).

### Relevant Laws and Rules:

Article 7: Registered Professional Nurses.  
 Article 7C: Dialysis Technicians.  
 Article 7E: Nurse Health Programs.  
 Article 7F: Nurse Licensure Compact.  
 Rules 19-01, 19-03, 19-05, 19-06, 19-07, 19-08, 19-09, 19-10, 19-11, 19-12, 19-13, 19-14, 19-14, 19-15 and 19-16.

### FLOW CHART FOR DISCIPLINARY PROCEEDINGS



WEST VIRGINIA  
BOARD OF REGISTERED NURSES

## ABOUT THE BOARD

The West Virginia Board of Registered Nurses is a public agency empowered by the Legislature to protect the public by regulating the practice of Registered Nurses (RN), Advanced Practice Registered Nurses (APRN), and Dialysis Technicians (DT) in West Virginia.

The Board exists to protect the public's health, safety and welfare.

One way the Board regulates the practice of Licensees is through its disciplinary process. Pursuant to WV Code §30-7-11, the Board has the authority to take disciplinary action against a Licensee or deny licensure to an applicant who is guilty of conduct outlined in that law. The Board also has the authority to assess fines and administrative costs.

The Disciplinary Review Committee (DRC) is a Committee of the Board composed of three Board members and the Board's Executive Director (not a voting member). The Committee is empowered by the Board to enter into consent agreements with licensees, dismiss complaints, issue reprimands, modify consent agreements and handle other disciplinary matters as directed by the Board. All decisions made by the DRC are ratified by the Board.

# THE DISCIPLINARY PROCESS

*What the Public and the Licensee Should Know*

5001 MacCorkle Avenue, SW  
South Charleston, WV 25309

304.744.0900 (Phone)  
304.744.0600 (Fax)

[WVRNBOARD.WV.GOV](http://WVRNBOARD.WV.GOV)



## How is a complaint investigated?

The Board's Nurse Investigators begin investigating the complaint after it is received in the Board office. Some investigative techniques include interviewing witnesses, subpoenaing documents and performing on-site visits.

The length of time to complete the investigation process depends on the complexity of the case.

While a complaint is being investigated, the information involved is kept confidential and may not be discussed with individuals outside the investigation.

## After the investigation is completed, what are the possible outcomes?

The possible outcomes could include:

- Dismissal
- Consent Agreement for:
  - Reprimand
  - Probation
  - Suspension
  - Revocation
- Summary Suspension
- Hearing (hearings result in a Final Order which may include one or more of the actions listed above)
- WV Restore

### DISMISSAL

If the Board is unable to substantiate a violation of the law, the complaint is dismissed by the Disciplinary Review Committee.

### CONSENT AGREEMENTS

When disciplinary action is taken, most disciplinary cases result in a consent agreement being entered into by the licensee and the Board. A consent agreement is a contract in which the licensee agrees to certain disciplinary action to be taken against his/her license. The Consent Agreement allows the licensee to practice under certain terms and conditions.

## What if an agreement is not reached?

### HEARING

If the Board and the licensee cannot agree to the disciplinary action and terms contained in a consent agreement, the case will be set for an administrative hearing. The licensee will receive a Complaint and Notice of Hearing at least thirty (30) days before the hearing date.

A Hearing Examiner, also known as an Administrative Law Judge, will preside over the hearing. The Board and the licensee will have an opportunity to call witnesses to testify in support of each case.

After the hearing, both parties may provide the Hearing Officer findings of fact, conclusions of law and a recommendation. A transcript of the hearing and the Hearing Officer's recommendation will be given to Board members for review. The Board will issue a final order at a Board meeting. In its final order, the Board can dismiss the complaint or order the licensee be reprimanded, probated, suspended or revoked. If the licensee does not agree with the Board's final order, the Board's decision can be appealed to the Intermediate Court of Appeals.

## Do I need an Attorney?

As a member of the public who files a complaint against a licensee, you do not need an attorney to represent you in the Board's process. Your role is as a witness. The Board's objective is the protection of the public. As a member of the public, you may or may not agree with the Board's decision in regard to the complaint you filed. However, once the Board receives the complaint, the Board has the sole responsibility in how or whether to proceed. The Board is represented by the Office of the Attorney General.

It is the Licensee's sole decision whether or not to be represented by an attorney in the disciplinary process. Many nurses that have had a complaint filed against his/her license with the Board are represented by legal counsel.

## What types of complaints are filed with the Board?

The majority of complaints filed with the Board involve licensees with an addiction to drugs or alcohol or licensees who have illegally used and/or abused drugs or alcohol. This issue generally causes other violations to surface, such as drug diversion, false documentation, impaired behavior, which are negligent and incompetent practices. Other complaints involve practice related issues, such as medication errors, documentation errors, patient abuse (both verbal and physical), HIPPA violations, falsification of applications, patient abandonment and negligence in practice. Other complaints received by the Board deal with licensees having psychiatric disabilities and criminal convictions.

The Board also receives complaints from individuals involving personnel related matters, such as personality conflicts between coworkers, domestic related matters, mandatory overtime and wrongful discharge. These issues are not within the Board's jurisdiction.

The Board does accept anonymous complaints. However, without knowing the identity of the person filing the complaint, it can be very difficult to investigate the complaint. Therefore, if a complaint is anonymous, the complaint should be very specific as to the licensee's identity against whom the complaint is filed, the time and place of the alleged conduct and witnesses.

