

# Protecting Your License

By: Jennifer Flynn, CPHRM, Vice President of Risk Management at [Nurses Service Organization \(NSO\)](#)

A nurse's license is one's livelihood, so protecting it is paramount.

According to the National Council of State Boards of Nursing (NCSBN), "A nurse's practice and behavior are expected to be safe, competent, ethical and in compliance with applicable laws and rules." The State Board of Nursing (SBON) serves to protect the public and promote the progress of the profession, and thus should be respected for its work in these areas. However, when a complaint is made against a nurse to the SBON, nurses must be equipped with the resources to adequately defend themselves. Being unprepared may represent the difference between a nurse retaining or losing their license.

## License Protection vs. Professional Liability

It's important for nurses to understand the difference between license matters and professional liability lawsuits.

*License protection* involves an inquiry by the SBON arising from a complaint. The allegation can be directly related to a nurse's clinical responsibilities and professional services, and/or they may be of a nonclinical nature (i.e., substance abuse, unprofessional conduct or billing fraud). The SBON can suspend or revoke a license. Its primary mission is to protect the public from unsafe practice of the professional.

*Professional liability* cases are civil lawsuit arising from a patient's malpractice claim. Allegations are related to clinical practice and professional responsibilities. The civil justice system serves to fairly compensate patients who assert that they have suffered injury or damage as a result of professional negligence.

## License Protection Trends

According to the [Nurse Professional Liability Claim Report: 5th Edition](#), published by [Nurses Service Organization \(NSO\)](#) and [CNA](#), the average payment per license defense matter increased by 18.3 percent, from \$5,330 in the 2020 dataset to \$6,304 in the 2025 dataset.

Professional conduct complaints had the highest distribution of all license protection closed matters in the 2025 dataset, at 38 percent.

- Similar to past reports, drug diversion and/or substance use allegations remained the most frequent, representing 34.0 percent of professional conduct matters. Examples include diverting medications for oneself or others, and apparent intoxication from alcohol or drugs while on duty. The majority of drug diversion and/or substance use matters resulted in disciplinary actions imposed by the SBON, which included probation, consent agreements, and surrender or suspension of license.
- Allegations of professional misconduct, as defined by the state, account for 24.1 percent of all professional conduct allegations. This broad allegation category includes unprofessional behavior towards coworkers and/or patients, as well as allegations of posting on a social media site during work hours and in patient care areas.

Scope of practice, treatment/care, medication administration and patients' rights/abuse rounded out the report's top five allegation categories.

## Best Practices to Defend Your License

Here are some proactive concepts and behaviors to include in your customary nursing practice, as well as steps to take if you believe you may be involved in a SBON matter related to your practice of nursing:

- Practice within the requirements of your state's nurse practice act, in compliance with organizational policies and procedures, and within the national standard of care. If regulatory requirements and organizational scope of practice differ, comply with the most stringent of the applicable regulations or policies. If in doubt, contact your SBON or specialty professional nursing association for clarification.
- Document your patient care assessments, observations, communications and actions in an objective, timely, accurate, complete, and appropriate manner. Never alter the health-care information record after the fact unless it is necessary for the patient's care. If it is essential to add information to the record, properly label the delayed entry, but never add any documentation to a record for any reason after a complaint has been made. If additional information related to the patient's care emerges after you become aware that SBON action is pending, discuss the need for additional documentation with your manager, the organization's risk manager and your legal counsel.
- Maintain files that can be helpful to your character. Retain copies of letters of recommendation, performance evaluations, thank-you letters from patients, awards, records of volunteer work and continuing education certificates.
- Immediately contact your professional liability insurer if you:
  - Become aware of a filed or potential professional liability matter against you.
  - Receive a subpoena to testify in a deposition or trial.
  - Have any reason to believe that there may be a potential threat to your license to practice nursing.

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#### ***About the Author***

Jennifer Flynn, CPHRM, is Vice President of Risk Management for Nurses Service Organization (NSO) in the Healthcare Division of Aon's Affinity Insurance Services, Inc. Specializing in risk management and having worked in the health care insurance business for over 25 years, Jennifer is dedicated to educating nurses and health care professionals on professional liability risks and offers strategies to mitigate those risks by supporting patient safety principles and developing quality management programs. In addition to being a frequent national speaker on healthcare risk and liability, Jennifer is also a published author on various risk management topics. Jennifer is a Certified Professional in Healthcare Risk Management and is a licensed Property & Casualty agent. She earned a BA in Psychology from Arcadia University in Glenside, Pennsylvania.