Nursing and the IDFPR: What You Need to Know
Part 1 — A Nurse’s Obligation to Self-Report Adverse Actions

Nurses who are subject to an investigation or facing potential disciplinary action by the Illinois Department of Financial and Professional Regulation (IDFPR) against their license should take that situation seriously. Public disciplinary action imposed by the IDFPR will remain on your permanent record.

Ensuring that your nursing license remains in good standing, and free from public discipline, is very important. After all, this is your livelihood. While no nurse anticipates facing disciplinary proceedings, nurses who are unaware of their legal obligations under the Illinois Nurse Practice Act, or those who are not familiar with the nuances and complexities of navigating through disciplinary proceedings before the IDFPR, put themselves at a greater risk of public disciplinary action being taken against their license.

We will explain some of the most common issues that nurses face in IDFPR license application and disciplinary proceedings in a series of articles that will appear in the Nursing Tidbits newsletter. This is the first article in that series. This article will address the obligation for licensed nurses to report adverse actions taken against them to the IDFPR.

Section 65/70-5 of the Nurse Practice Act requires nurses to report to the IDFPR adverse actions taken against them by their employer, professional organizations, peer review boards, governmental agencies, law enforcement agencies, courts, and other licensing jurisdictions, if the basis for that adverse action would be an independent ground for discipline under the Nurse Practice Act. Conduct that would be an independent grounds for discipline includes certain criminal convictions (such as a DUI), allegations of inadequate patient care, improper charting or administration of medication, habitual or excessive use of alcohol or other substances, or discipline imposed on a license you hold in another state.

If an adverse action was taken against you based on such alleged misconduct, you must report the adverse action to the IDFPR even if you are challenging the adverse action or do not agree that you committed the underlying misconduct. Importantly, you have an independent duty to report the adverse action to the IDFPR even if your employer or some other agency is also going to report it to the IDFPR. A nurse’s failure to report such an adverse action to the IDFPR can increase the severity of any potential disciplinary action because not only will you have to defend against the underlying conduct that led to the adverse action, you will also face additional disciplinary action for your failure to independently report the adverse action to the IDFPR.

We routinely assist nurses in drafting self-report letters to the IDFPR. It is vital that you provide the IDFPR with your version of the facts at the outset, especially if your employer or some other agency is also going to report to the IDFPR their version of why they took adverse action against you and you disagree with their reasoning. Plus, there are certain non-public settlement options with the IDFPR that are available only if you had self-reported the adverse action. If the IDFPR is informed of the adverse action taken against you but you never self-reported it, then you will no longer be eligible to enter into such a non-public settlement. We will discuss the types of IDFPR public disciplines and non-public settlement options in a subsequent article in this series.

No matter what your potential issue may be, it is always best to consult an experienced attorney who can explain your legal rights and obligations and the challenges you may face at the IDFPR. You should not attempt to navigate this complex process alone, as you will be going up against experienced IDFPR prosecuting attorneys who are not acting in your best interests.
The attorneys at Zimmerman Law Offices are well acquainted with the staff and procedures at the IDFPR, as well as the licensing and regulatory enforcement statutes and rules pertaining to Registered Professional Nurses (RN), Licensed Practical Nurses (LPN), Advanced Practice Nurses (APN), and other licensed professionals in the nursing field. If you are a nursing professional who has questions or needs assistance in obtaining or renewing your license, or defending yourself in an IDFPR investigation or disciplinary proceeding, we are here to help. Obtain a free, confidential consultation today by calling 1-877-440-0020, or by contacting us online.

Check out the Nursing Tidbits newsletter next month for the 2nd installment of this series!