



Behavior Involving Lying and Falsification

Purpose

The Texas Board of Nursing (Board) is committed to its mission to protect the public health, safety, and welfare. In keeping with this mission, the Board is concerned about the deceptive or dishonest conduct of an individual as it relates to the provision of health care. Such conduct includes falsifying documents related to patient care, employment, and licensure.

This policy is intended to explain the Board's position regarding deceptive and dishonest behaviors and inform licensees, petitioners, applicants and the public about the Board's process for reviewing such conduct.

Effect on Practice

Nurses, by virtue of the license issued to them by the Board, have a duty to their patients to provide safe, effective nursing care and to demonstrate good professional character at all times. The nurse-patient relationship is a dependent one, and patients under the care of a nurse are, by their very nature, vulnerable. This is especially true of the elderly, children, persons with mental disorders, sedated or anesthetized patients, patients whose mental or cognitive ability is compromised, and patients who are disabled or immobilized.

Nurses are frequently in situations where they must report patient conditions, their interventions, record objective/subjective information, provide patients with information, and report errors in the nurse's own practice or conduct. Patients have the right to expect nurses to conduct themselves with professionalism and in an honest manner. Honesty, accuracy, and integrity are imperative for the provision of safe and effective nursing care.

Nurses are expected to exhibit honesty, accuracy, and integrity in the provision of nursing care, including: performing nursing assessments; applying the nursing process; reporting changes in patients' condition; acknowledging errors in practice and reporting them promptly; accurately charting and reporting, whether verbal or written; implementing care as ordered; complying with all laws and rules affecting the practice of nursing; and complying with the minimum standards of nursing.

Falsification of documents regarding patient care, incomplete or inaccurate documentation

of patient care, failure to provide the care documented, or other acts of deception or omission raise serious concerns about an individual's ability to provide safe nursing care and prevents subsequent caregivers from having a complete and accurate picture of the patient's care and condition. When a nurse has exhibited dishonest or fraudulent behavior, the Board is mindful that similar misconduct may be repeated, thereby jeopardizing the effectiveness of patient care in the future.

Employers, Nursing Education Programs, and Nursing Training Programs

Generally, the falsification of an application to an employer, school of nursing, or other nursing training program is the responsibility of the employer, school, or training program to resolve, unless the falsification involves misrepresentation of the individual's credentials, competencies, or work experience. The misrepresentation of an individual's credentials to an employer will be investigated and viewed by the Board in the same way that lying or falsification within nursing practice is viewed. Further, a student nurse who falsifies patient records or engages in other dishonesty in patient care gives the Board reason to suspect that the individual may continue similar dishonest acts after licensure. If the Board is made aware of such acts committed as a student, the Board will initiate an investigation of the individual's conduct once the student submits an application for licensure to the Board. Depending on the particular circumstances, disciplinary action may be warranted.

Licensure Forms

Each licensure form or document, whether an initial application for licensure, an application by endorsement, or a renewal application, contains questions that require a "yes" or "no" answer. These forms contain several questions that may affect the ability of an individual to function safely as a nurse. In addition, these forms require individuals to provide information to determine if the individual meets the practice requirements for nursing licensure. Answers to these questions are used by the Board to determine the individual's fitness for licensure.

The Board recognizes that, sometimes, an individual may mark a "yes" or "no" answer in error or misunderstand the question being asked. The Board believes, however, that intentionally supplying false information is a serious matter, not only because of the lying or falsification itself, but because the false answers may allow an otherwise disqualified individual to obtain or retain licensure. Falsification raises concerns about the individual's propensity to lie and the likelihood that such conduct may continue in the practice of nursing. Depending on the particular circumstances, disciplinary action may be warranted.

Criminal Behavior

Crimes which involve fraudulent, dishonest, and deceitful behavior are concerning to the Board, as they may indicate a lack of good professional character. The Board may rely solely on the disposition of a crime, with or without an adjudication of guilt, to initiate disciplinary action against a nurse's license, which may include licensure denial, suspension, revocation, or other limitation.

Nurse Imposter

The Board has no jurisdiction over a person who holds him or herself out to be a nurse, but does not actually hold a license or privilege to practice nursing in the State of Texas. If alerted to such conduct, the Board may issue a cease and desist order prohibiting the individual from engaging in any nursing activities and may report the conduct to a local law enforcement agency or the attorney general for prosecution.

The Board does have jurisdiction, however, over an individual who holds a nursing license or privilege to practice nursing in Texas (or has held one in the past) and represents him/herself as licensed for a broader scope of practice than authorized by the individual's actual nursing license, e.g., LVN to RN, RN to APRN. The Board has no tolerance for this type of behavior. An individual who engages in this type of conduct may face disciplinary action by the Board, including the maximum dollar amount of a fine allowed under the Nursing Practice Act and Board rules.

Disciplinary Action

In all situations involving an individual's fraudulent or deceitful conduct, the Board's primary objective is to ensure the protection of the public. However, not all matters involving a nurse's fraudulent or deceptive behavior will require the same amount of Board intervention or will necessarily result in disciplinary action. The Board will consider each case on its own merit. Factors that may be particularly relevant to fraudulent or deceitful conduct include: the nature and seriousness of the conduct, the actual harm resulting from the conduct, the individual's history, premeditation, lack of remorse, and/or restitution, and the risk the individual's practice poses to patients and the public. Depending on the particular circumstances, an individual may be able to obtain or retain licensure under an encumbered license, with conditions/restrictions determined by the Board, for a specified period of time. Because patients in autonomous healthcare settings are particularly vulnerable to acts involving fraud, theft, and deception, an individual who has previously exhibited such conduct will likely be precluded from working in a home health or independent practice setting for a period of time. Further, if the individual circumstances do not necessarily warrant removal of an individual from practice or an independent practice setting, supervision and/or additional restrictions applicable to the setting will likely be required to ensure adequate protection of patients and the public. A fine and/or restitution as authorized by the Nursing Practice Act and Board rules may also be required.

Licensure revocation, however, may be appropriate and will likely be considered by the Board in situations where an individual has knowingly falsified information upon which the individual's licensure was based. In such cases, it shall be the individual's burden to establish good professional character sufficient to justify retention of licensure. In these cases, the individual may be required to start the application process over anew, under non-deceptive means, without benefit of consideration of the individual's intervening practice as a nurse. Likewise, if an individual has knowingly falsified information on a licensure application, but has yet to be granted licensure, the Board may deny licensure based upon the individual's falsification. Upon re-application, it shall be the individual's burden to

establish good professional character sufficient to justify licensure.

For additional information, please review the Nursing Practice Act (NPA), [Tex. Occ. Code Chapter 301](#); the Board's rules, located at [22 Texas Administrative Code](#) Chapters 211 - 227, including §§213.27 - 213.33; and the Board's [adopted policies](#) located on the Board's web site, at www.bon.texas.gov. [Tex. Occ. Code Chapter 53](#), [22 Tex. Admin. Code §213.28](#), and the [Board's Guidelines for Criminal Conduct](#) contain additional provisions that specifically apply to criminal behavior. The Board will also consider its adopted [Disciplinary Matrix](#), which contains recommended sanctions for violations of the Nursing Practice Act and/or Board rules and an individual's good professional character under [22 Tex. Admin. Code §213.27](#).