Nursing and the IDFPR: What You Need to Know

Part 5 — The Types of Non-Public Settlements Available with the IDFPR

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 fifth article in that series.

Regardless of whether the IDFPR filed a formal complaint against your license or you met with an IDFPR attorney and a member of the Board of Nursing at an informal conference, you may receive an offer from the IDFPR to settle the dispute. The settlement offer may encompass a form of public discipline, or, if you meet certain criteria, you may be eligible for a non-public settlement. We previously discussed public disciplines in a prior article, Nursing and the IDFPR: What You Need to Know, Part 4 — The Types of Public Discipline That May Be Imposed by the IDFPR. In this article, we will discuss the types of situations in which you may be eligible for a non-public settlement with the IDFPR.

In addition to the various forms of public discipline, a nurse may be eligible for a non-public settlement in some circumstances. Unlike public discipline, a non-public settlement may not need to be reported to your employer or to other states in which you are licensed, and it will not be listed on the IDFPR’s website. The two most common forms of non-public settlements are an Administrative Warning Letter (AWL) and a Non-Disciplinary Order (NDO).

As the name suggests, an AWL is a warning to the nurse that the alleged conduct may have violated the Nurse Practice Act, but it does not rise to a level warranting public discipline considering, among other things, prior disciplinary actions imposed against other nurses for similar misconduct. The AWL is placed in the file that the IDFPR maintains on you, and will be taken into account in deciding whether public discipline should be imposed against you if you commit additional misconduct in the future.

An NDO is a private settlement agreement between the nurse and the IDFPR to resolve the dispute. The NDO may include provisions that require you to pay a non-public fine, take additional continuing education classes, submit quarterly reports to the IDFPR, adhere to practice restrictions, or abide by other conditions imposed by the IDFPR. However, the existence and terms of an NDO remain confidential and are not listed on the IDFPR’s website. An NDO is not considered to be “discipline” and you would be able to answer “no” to questions asking whether your license has ever been disciplined, depending on how the questions are phrased.

A third form of non-public settlement is a Care, Counseling, and Treatment Agreement (CCT). A CCT is a private agreement that allows the nurse to continue to practice nursing while receiving treatment for alcohol or substance abuse. You must satisfy several requirements to be eligible for a CCT, including self-reporting to the IDFPR any adverse action that was taken against you by your employer. For more on the self-report requirements, please see Nursing and the IDFPR: What You Need to Know, Part 1 — A Nurse’s Obligation to Self-Report Adverse Action.
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 6th installment of this series!