

Excerpt from:

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“Can I Lose my Nursing License Because of a DUI?”

BY

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Legal Disclaimer:

The information in this Special Report is not intended to be legal advice. Your DUI case has specific facts that can affect the defense and strategy of your case. Please seek the advice of a competent DUI defense lawyer to discuss the facts of your case. The purchase of this Special Report does not create any type of attorney - client relationship.

Can I lose my RN license because of a DUI?

Back in 2009, the LA Times published an article that was highly critical about the California Board of Registered Nursing and the way they were handling enforcement. After the article came out, Governor Schwarzenegger, replaced the majority of the Board of Registered Nurses and ended up tripling its enforcement staff.

Most investigations begin after the Board receives information that one of their licensees has been arrested or convicted of a crime. With the availability of data on the internet, it is not unusual for the Board to send you a letter in the mail within two weeks of your DUI arrest.

The nursing profession can be extremely stressful, and experts have estimated that as high as 20% of the practicing nurses can suffer from a chemical dependency. Alcohol use is viewed as a chemical dependency. If you do receive a letter from the Board, this is to inform you that you are the subject of an investigation. That letter may offer you an opportunity to participate in one of their Board Diversion Programs.

The Board wants to see acts of mitigation. The Board wants to see that you're taking steps to curing the alleged alcohol issues in your life. They may want to see that you are going to Alcoholics Anonymous or in a treatment program.

The end result is that the Board may discipline you, or they may put you on probation with certain conditions. The Board is going to look at several factors when deciding whether to revoke, suspend or put you on probation.

The Board will look at the nature and severity of the offense. If this is a first DUI, you'll have a higher chance of keeping your RN license. They will also look at whether your dui exposes the public to any potential harm. If your DUI involved an accident, this may be a factor that weighs critically in the Board's decision. The Board's goal is to prevent any potential harm to patients. The Board will examine any type of prior discipline record you have had, they will examine whether or not you have been convicted of a prior dui.

The Board will also look at mitigating evidence. Mitigating evidence may be that you had a loved one who recently died, you're going through a divorce, a stressful situations within your family.

The Board will also look at rehabilitation evidence. This is where going to an in-patient or out-patient rehab program, going to Alcoholics Anonymous, and proof that you're not drinking any alcohol will help to prove your efforts at rehabilitation. Many times the Board will want to have a finalization of your criminal case before they revoke, suspend or put you on probation. They'll look at your overall criminal record, and will look at the time passed since this incident occurred. If you ultimately have the criminal offense expunged, this will help your licensing issues in the future.

The Business and Profession code 2762(b) discusses when a person uses any narcotic, dangerous drugs or alcohol to the extent that it is dangerous to self or others, or the ability to practice nursing. The recommended discipline from the Board under the Business and Profession code cited is revocation. If this is your first offense, you will have some type of minimum discipline with the revocation being stayed. “Stayed” is a fancy word for putting your revocation on hold. However, you will be put on three years of probation. The Business and Profession code 2762(c) deals with the criminal conviction aspect of an alcohol related conviction. Again, the recommended discipline is revocation. However, the revocation can be stayed if you’re put on three years of probation.

If you fail to complete the Board’s recommended probation program, your license will be revoked. If you fail to file a defense or communicate with the board about a discipline hearing, your license will be revoked. The Board’s recommendation for alcohol abuse may include completing a six month alcohol treatment program. The six month program will probably include individual, and maybe some group counseling, there will be some random drug testing, and they’ll require you to participate in a nursing support group. They’ll require you to complete the AA program and provide proof of completion, or proof of attendance in the program.

The board will look at mitigation evidence on your behalf. Some forms of mitigating evidence could be written statements from your employer, bosses, supervisors, who can document your on the job performance, and know your work habits. The Board will also look at letters from counselors or rehabilitation programs. We use a private probation officer who worked for the County of San Bernardino for 30 years, and he does an intensive review of your life and will offer guidance and counseling. You’ll also need to gather some proof of your recent participation in Alcoholics Anonymous or any other types of nursing support groups. Proof that you are alcohol free is another way to show mitigating factors. If you’re asking yourself how would you show this, one way is to wear a SCRAM, that’s Secured Continuous Alcohol Monitoring bracelet that shows you have not had any alcohol to drink for a specific period of time. Also, you may be required to complete a physical examination from a physician to show that you’re healthy.

If the Board puts you on probation, it’s usually going to be for a length of three years. There’s standard and optional conditions that usually apply in these orders. The standard probation conditions are ;that you obey all the laws, that you comply with all the Board’s probation programs, that you report in person when they ask you to, they may ask you to submit a written report, they may also require you to pay for the cost of recovery which is basically a fine to the board.

Some of the optional probationary conditions may involve getting a physical examination, participating in drug or alcohol treatment, abstaining from the use of alcohol, submitting to drug and alcohol urine tests, blood tests, it may even require you to see a psychiatrist to have a mental health examination, they may require you to participate in therapeutic counseling, and they might even have a short period of actual

suspension of your license. If they require you to get a physical examination, it usually has to be done within 45 days, and at your own expense. And, if they require you to participate in a rehab program, you will need to start that within 45 days from the date of their decision as well. And, remember, this is going to be at least a six-month program. If the Board is requiring you to submit to drug screening and/or alcohol screening, they will require that you keep them informed of all times of your current telephone number. As you can see, a DUI can have dire consequences upon a registered nurse's vocational license. We have helped many, many nurses through the DUI process, and have guided them through their Board requirements. We have helped registered nurses, LVNs, and even those who were recently admitted to the board but had not started working. For additional information, feel free to call us at 909-888-7992, and we'll answer any additional questions you may have.