



Nurse Spotlight: Protecting Your License

Nurses Service Organization (NSO), in collaboration with CNA, has published our Nurse Professional Liability Claim Report: 5th Edition. It includes statistical data and case scenarios from CNA closed claim files, as well as risk management recommendations designed to help nurses reduce their malpractice exposures and improve patient safety.

You may access the complete report, and additional Risk Control Spotlights, at:
www.nso.com/nurseclaimreport.

This Nurse Spotlight focuses on our analysis and risk recommendations regarding one of the most significant topics in the report: **Protecting Your License**.

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. This Spotlight provides an overview of the role of the SBON in the legal/regulatory system, describes the disciplinary process, and imparts helpful recommendations on defending yourself if you were to receive a complaint summons.

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The 5th Edition of the CNA/NSO Nurse Professional Liability Claim Report includes a combined total of 1,125 closed license protection matters against RNs, LPN/LVNs with payment in the five-year analysis, and an average defense expense of \$6,304 for all license types. This data reflects a decrease in the number of matters; however, an increase in average defense expense over the previous data set. **Figure 19** represents the 2025 distribution of license protection matters by licensure type, as well as a comparative analysis to prior reports. The average total payment represents only the legal fees and other expenses involved in defending the nurse against the complaint. Any costs or expenses associated with fines or indemnity/settlement payments to a plaintiff are not included.

**19 License Protection Matters by Licensure Type
Data Comparison of 2015, 2020, and 2025 Reports**

	RN			LPN/LVN		
	2015	2020	2025	2015	2020	2025
License protection paid matters	1127	1220	963	174	157	162
Percentage of license protection paid matters	86.6%	88.6%	85.6%	13.4%	11.4%	14.4%
Average payment	\$4,041	\$5,348	\$6,309	\$3,646	\$5,186	\$6,271

Legal Considerations in Nursing Practice

Although this Spotlight focuses on license protection matters, it is important for nurses to understand the basic premises of the types of legal actions in which they may face allegations. The basic divisions in the U.S. legal system are criminal, civil, and administrative.

- A civil case may involve the filing of a lawsuit against the nurse in civil court, which may lead to a jury award for a sum of money. Civil law protects the rights of citizens and offers legal remedies. One example of a civil action would be a medical malpractice lawsuit.
- A nurse may be prosecuted on criminal charges which would be filed in criminal court and could lead to fines and/or incarceration.
- Administrative actions taken against a nurse may lead to disciplinary action or suspension/loss of license, as exemplified in this Spotlight. Administrative law governs the rules and regulations made and enforced by government agencies, *such as your State Board of Nursing*.

The Nurse Practice Act

Every state has enacted laws and regulations that govern the conduct of licensed professionals. The law specific to licensed nursing professionals is the Nurse Practice Act. All nursing professionals should become conversant with their relevant state Nurse Practice Act. The Nurse Practice Act gives your State Board of Nursing (SBON) and professional license regulatory agency the authority to:

- Provide nurses with a code of conduct;
- Develop practice and education standards, policies, and administrative rules and regulations;
- Educate nurses regarding nursing practice;
- Credential and issue nursing licenses; and
- Enforce the laws pertaining to nursing practice by investigating reports of professional misconduct and making decisions regarding discipline.

All nursing professionals should become conversant with their relevant state Nurse Practice Act.

Licensee Rights During the Disciplinary Process

If you are named in a licensing complaint, the state will not provide nor recommend an attorney; however, you have the right to retain an attorney. The state also permits you the opportunity to present evidence to defend yourself during a hearing.

The Disciplinary Process

A Board complaint can be filed against a nurse by anyone, such as a patient, a patient’s family member, a colleague or an employer. You may or may not know the identity of your accuser, and the complaint can be filed anonymously. In addition, many states require self-reporting of certain violations, including misdemeanors, felonies, and plea agreements. Involvement in a disciplinary action will take time to resolve, which can make the entire process stressful. The process is illustrated by the graphic to the right.

Investigative Stage

While the procedures may vary by state, all complaint reports are investigated, including those that are anonymous. Many if not all SBONs are required to investigate every complaint they receive. However, the SBON may not be permitted to tell you how it received the report or give you any information or documents. Some SBONs use board-appointed investigators who may or may not be nursing professionals. The investigator will use various methods to determine the facts, such as interviewing parties who were present, reviewing documentation and records, performing drug screens (if impairment is alleged), and compiling any pertinent facts related to the events and circumstances surrounding the complaint.

You may receive a letter, email or a telephone call from the SBON asking you to submit a written statement explaining the reported incident. Or, the SBON may require you to appear at a certain date and time for an interview with the investigator. Never ignore a request from the SBON.

If you are contacted during the investigative stage, consult with an attorney before you respond to the SBON, ensuring to reply within the deadline set by the Board. You must be cooperative and understand that whatever you share is evidence the investigator will provide to a prosecuting attorney or the SBON.

Nurses should not appear at proceedings without legal counsel present. Consult with your legal counsel for guidance before answering questions from or making statements to the SBON or the investigator. Your attorney may be able to speak to the investigator, learn more about your matter, and help you navigate the process.



If you are contacted during the investigative stage, **consult with an attorney before you respond** to the SBON, ensuring to **reply within the deadline** set by the Board.

Nurse Spotlights

For risk control strategies related to:

- [Protecting Your License](#)
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- [Artificial Intelligence](#)
- [Technology in Nursing](#)
- [Liability for Charge Nurses](#)
- [Well-being and Mental Health](#)

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Board Action

Upon completion of the investigation, the state agency will determine how to proceed. One option is an informal conference. Although less formal than an actual hearing, informal conferences are official proceedings. During the conference, you will be interviewed by a member of the SBON and possibly its attorney. Your attorney should be present with you during all proceedings where:

- You will have an opportunity to produce any evidence that supports your case.
- A resolution may be offered, ending the matter.

If the SBON believes it has significant evidence against you, the matter may proceed directly to a formal hearing where a disciplinary action may be proposed. The hearing is similar to a civil trial. It may take place in a courtroom-like setting before an administrative law judge and hearing panel. The hearing panel may include several SBON board members, or the entire SBON, depending upon the state. A court reporter records the entire proceeding, and a transcript is generated. When both sides have presented their cases, the hearing is concluded. The hearing includes parts where:

- Information is exchanged, known as discovery, and you are entitled to the documents possessed by the prosecutor.
- Witnesses may be called to testify.
- The nurse undergoes cross-examination.

The outcome of the formal hearing is a ruling by the administrative law judge and the SBON. The process can take months or even years to fully resolve, lengthening the process and increasing the associated costs.

License Protection vs. Professional Liability. What’s the difference?	
License Protection	Professional Liability
<p>Inquiry by the State Board of Nursing arising from a complaint.</p> <p>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).</p> <p>The State Board of Nursing can suspend or revoke a license. Its primary mission is to protect the public from unsafe practice of the professional.</p>	<p>Civil lawsuit arising from a patient’s malpractice claim.</p> <p>Allegations are related to clinical practice and professional responsibilities.</p> <p>The civil justice system cannot suspend or revoke your license to practice. Rather, professional liability lawsuits serve to fairly compensate patients who assert that they have suffered injury or damage as the result of professional negligence.</p>

The process can take months or even years to fully resolve, lengthening the process and increasing the associated costs.

Allegations

Professional conduct complaints have the highest distribution of all license protection closed matters in the 2025 dataset, at 38.0 percent. Collectively, professional conduct, scope of practice, and treatment and care allegations account for 61.8 percent of all license protection closed matters. Refer to **Figure 20**.

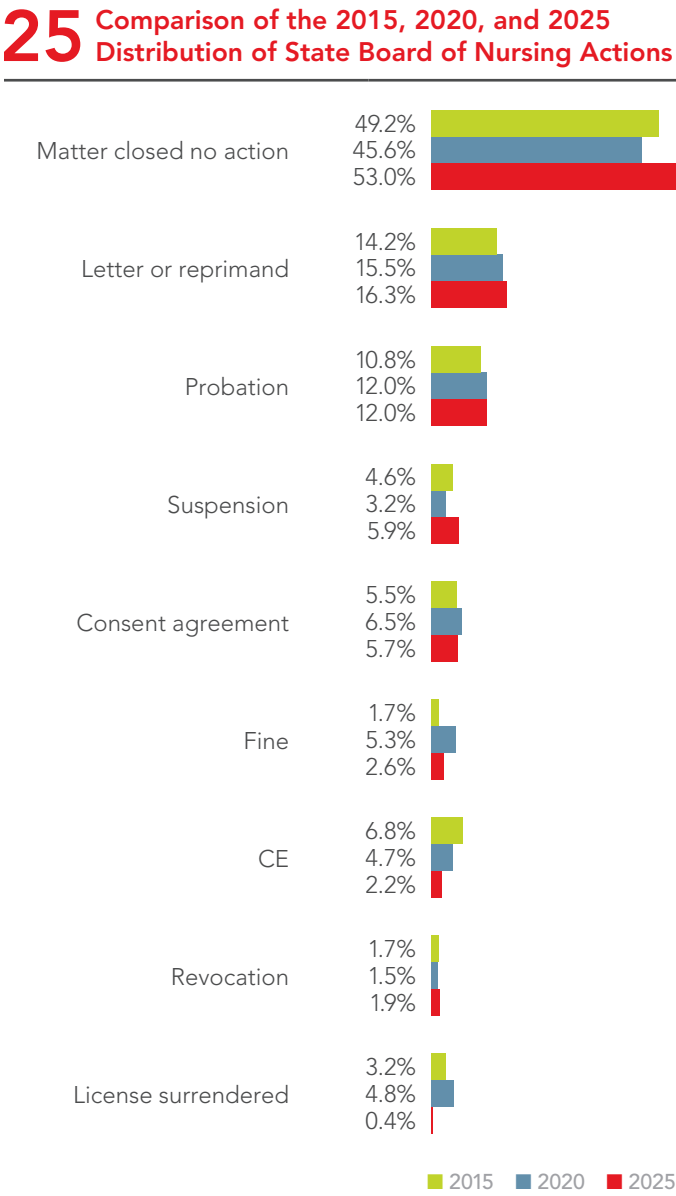
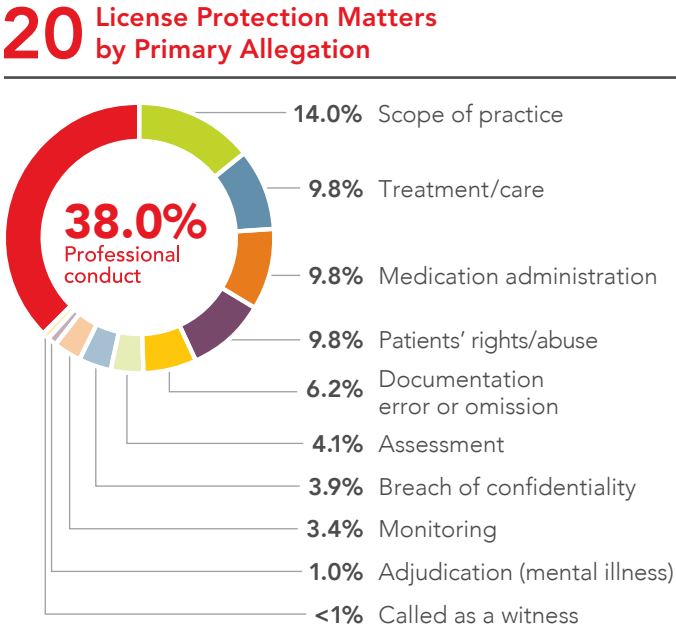
State Board of Nursing Actions

Figure 25 shows SBON disciplinary actions which can range from no action against the nurse, up to and including revocation of the nurse’s license to practice. The majority of matters in the 2025 analysis, 53.0 percent, resulted in the SBON deciding to take no action. In 16.3 percent of matters, the nurse received a Letter or reprimand. The more serious outcomes include: Probation 12.0 percent, Suspension 5.9 percent, License Surrendered 0.4 percent, and Revocation 1.9 percent.

In some cases, the SBON may impose multiple disciplinary actions, such as a reprimand coupled with a fine. Depending upon the state in which you practice, most outcomes involving discipline against a nurse’s license are a matter of public record and reported to NURSYS® and the National Practitioner Data Bank (NPDB). The SBON also may report disciplinary actions to other agencies, regulatory authorities, or other SBONs, which may decide to initiate their own investigation and take action.

Nurses who have had adverse disciplinary actions may appeal those decisions. The standards for appealing a SBON decision are defined by your state and will outline the specific requirements, time frames, and processes.

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Risk Management Recommendations

Below 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:

Everyday Practice

- 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 policy. 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.
- Refrain from discussing the matter with anyone other than your defense attorney or the professionals managing your matter.
- Promptly return telephone calls from your defense attorney and professionals managing your matter.
- Contact your attorney or designated professional before responding to telephone calls, e-mail messages or requests for documents from any other party.
- Provide your insurer with as much information as you can when reporting such matters, including contact information.
- Never testify in a deposition without first consulting your insurer or legal counsel.
- Copy and retain all legal documents for your records, including:
 - The summons and complaint
 - The subpoena
 - Attorney letter(s)
 - Any other legal documents pertaining to the matter



License Protection Coverage

Professional liability insurance that includes coverage for license protection helps to insure nurses against licensing board complaints by:

1 Reimbursing you up to the applicable limit for your defense of disciplinary charges arising out of a covered incident.

2 Covering costs associated with a disciplinary inquiry, up to \$25,000 annual aggregate.

3 Covering expenses such as legal representation, lost wages and travel.



This information was excerpted from CNA and NSO's full report, *Nurse Professional Liability Claim Report: 5th Edition*.
www.nso.com/nurseclaimreport



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