



## GUIDE TO THE OHIO BOARD OF NURSING'S COMPLAINT AND INVESTIGATION PROCESS

The Ohio Board of Nursing (Board) regulates licensed practical nurses, registered nurse, advanced practice registered nurses, dialysis technicians, medications aides, and community health workers. The Board does not regulate medical assistants, nurse aides, state tested nursing assistants, or other health care providers that are not licensed by the Board.

Section 4723.28(H), Ohio Revised Code requires the Board to investigate evidence that appears to show that a person has violated any provision of law or rules regulating the practice of nursing. The law and rules are Chapter 4723, Ohio Revised Code (ORC), and 4723, Ohio Administrative Code.

Any person may report to the Board information the person may have that appears to show a violation of any provision of Chapter 4723 or the administrative rules. Section 4723.34, ORC, mandates that employers and contractors report information regarding violations to the Board.

In the absence of bad faith, any person who reports such information or who testifies before the Board in any disciplinary hearing is not liable for civil damages as a result of his/her report (complaint) or testimony.

Information received by the Board pursuant to a complaint or investigation is confidential and not subject to discovery in any civil action. The Board may disclose information to law enforcement and other government agencies for purposes of an investigation.

### EXAMPLES OF COMPLAINTS THAT CAN BE ADDRESSED BY THE BOARD

See e.g., Section 4723.28 Ohio Revised Code and the rules in Chapter 4723 at

<https://nursing.ohio.gov/laws-rules/>.

- Fraud or misrepresentation on a license or renewal application
- Action by another nursing board or professional licensing agency
- Felonies
- Misdemeanors (including drug related crimes, misdemeanors committed in the course of practice, or misdemeanors involving gross immorality or moral turpitude).
- Performing duties beyond the scope of the license or certificate
- Impairment of the ability to practice because of drug or alcohol abuse, or because of physical or mental illness
- Misappropriating or attempting to misappropriate money or anything of value in the course of practice

- Failing to practice in accordance with the standards of safe nursing practice or safe dialysis care
- Violation of standards that promote patient safety (violation of professional boundaries, patient abuse, and breaches of patient confidentiality)
- Impairment (mental, physical, or substance use disorders)

### **TYPES OF COMPLAINTS THAT CANNOT BE ADDRESSED BY THE BOARD**

- Complaints regarding a facility (cleanliness, lack of staffing) or state tested nursing assistants.  
These complaints should be filed with the Ohio Department of Health at <https://odh.ohio.gov/wps/portal/gov/odh/know-our-programs/complaints-nursing-home-and-healthcare-facilities/complaints-hcf-nh>
- Employer/Employee disputes
- Complaints regarding a physician or physician's assistant.  
These complaints should be filed with the State Medical Board of Ohio at [https://elicense.ohio.gov/oh\\_filecomplaint](https://elicense.ohio.gov/oh_filecomplaint).

If the Board cannot address your complaint it may be referred to another agency or regulatory body.

### **HOW TO FILE A COMPLAINT**

Complaint forms can be obtained on the Board's website at <https://nursing.ohio.gov/complaints-discipline-records/file-a-complaint/>.

Complaint forms are also provided by mail and email. To request a form please call (614) 466-9560 and request that a complaint form be provided to you. A completed complaint form should be mailed to the Ohio Board of Nursing at 17 S. High Street, Suite 660, Columbus, Ohio, 43215-3466 or by facsimile (fax) at (614) 995-3685.

Members of the public are not required to provide their name. However, if a name is not provided, it may make it difficult to conduct a thorough investigation.

### **CONFIDENTIALITY**

The Board's investigations are confidential by law, and as such, the Board is not able to notify you of the step-by-step progress of the investigation.

### **THE COMPLAINT PROCESS**

The complaint is reviewed by a Compliance Section staff member to determine whether the Board has the legal authority/jurisdiction to act on the complaint.

If the Board does not have jurisdiction, the complaint (case) will be closed.

If the Board has jurisdiction an investigation will be conducted.

The Board has investigators who work throughout the state, and their job is to gather all relevant information.

The Board may obtain records and seek information through interviews with you and/or other individuals relevant to the complaint. In addition, hospitals, pharmacies, and other health care facilities or providers of care, may also be contacted.

Once an investigation is completed, the case is presented to the Board Supervising Member for Disciplinary Matters who makes a disciplinary recommendation.

Not all complaints result in formal disciplinary action. Please note that some nurses who are reported to the Board for discipline may be placed in a confidential monitoring program established by Section 4723.35, ORC, and Section 4723.282, ORC. Any disciplinary action taken is public record. Records can be accessed at <https://nursing.ohio.gov/complaints-discipline-records/discipline-records-request/>.

A list of the Board actions is posted on the Board's website after each meeting. The Board's approved meeting minutes are also available on the website.