

DEPARTMENT OF REGULATORY AGENCIES

Division of Registrations

3 CCR 716-1

CHAPTER III

RULES AND REGULATIONS FOR REGARDING THE IMPOSITION OF FINES

BASIS: The authority for the promulgation of these rules and regulations by the State Board of Nursing ("Board") is set forth in Sections 12-38-108(1)(j) and 12-38-116.5(4)(c)(III), C.R.S.

PURPOSE: Section 12-38-116.5(4)(c)(III), C.R.S. provides authority for the Board to impose a fine in addition to any other disciplinary action taken. The purpose of these rules and regulations is to establish a fine structure and the circumstances under which fines may be imposed by the Board.

INTRODUCTION: The Board [acting as either the inquiry or hearings panel] may impose discipline in the form of a fine of no less than two hundred fifty dollars (\$250.00) but no more than one thousand dollars (\$1,000.00) per violation of the Nurse Practice Act or any rule adopted by the Board. The fine may be in addition to any other discipline imposed by the Board pursuant to Section 12-38-117, C.R.S. Payment of a fine does not exempt the licensee from compliance with the Nurse Practice Act.

A fine of \$500.00 or less that is imposed by the Board, must be paid in full including the applicable surcharge, at the time the Final Agency Order is entered or a Stipulation is reached between the parties. A fine greater than \$500 that is imposed by the Board, must be paid in full including the applicable surcharge, according to the time frame set forth in the Final Agency Order or Stipulation. A licensee who fails to pay a fine that is required pursuant to a Final Agency Order or Stipulation is subject to suspension of his or her nursing license as set forth in Section 12-38-116.5(4)(c)(IV), C.R.S.

The Board may impose a fine, in addition to any other disciplinary sanction, under the following circumstances:

1. PRACTICING NURSING WITH AN EXPIRED LICENSE:

- 1.1 Pursuant to Section 24-34-102(8)(c), C.R.S., a licensee has sixty (60) days within which to renew a license after the date of expiration without the imposition of a disciplinary sanction for practicing nursing on an expired license. A licensee who fails to renew his license within the sixty day grace period shall be treated as having an expired license as set forth in Section 24-34-102(8)(d), C.R.S.
- 1.2 The Board may impose a fine for the period of sixty-one (61) days or greater but less than two (2) years from the date of expiration of a license if the Board determines that the facts and circumstances warrant a fine in addition to other disciplinary action.
- 1.3 If the Board finds that the licensee has practiced nursing with an expired license for a two (2) year period or greater but less than three (3) years from the date of expiration of the license, the Board may impose a fine not to exceed \$250.00.
- 1.4 If the Board finds that the licensee has practiced nursing with an expired license for a three (3) year period or greater but less than four (4) years from the date of expiration of the license, the Board may impose a fine not to exceed \$500.00.
- 1.5 If the Board finds that the licensee has practiced nursing with an expired license for a four (4) year period or greater but less than five (5) years from the date of expiration of the license, the Board may impose a fine not to exceed \$750.00.

1.6 If the Board finds that the licensee has practiced nursing with an expired license for five (5) years or more from the date of expiration of the license, the Board may impose a fine not to exceed \$1000.00.

2. FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS OF A FINAL AGENCY ORDER OR A STIPULATION

2.1 The Board may impose a fine for failure to comply with the terms and conditions of probation as specified in the Stipulation and Final Agency Order ("Stipulation") as agreed to by the licensee, or the Final Agency Order issued by the Board. If a licensee fails to timely submit the documents as required by his or her Stipulation or Final Agency Order, The Board may impose a fine in addition to any other disciplinary sanction as follows:

A. For a first violation, where the required document(s) are submitted over thirty (30) days late, the Board may impose a fine not to exceed \$250.00.

B. For a second violation, where the required document(s) are submitted over thirty (30) days late, the Board may impose a fine not to exceed \$500.00.

C. For a third violation, where the required document(s) are submitted over thirty (30) days late, the Board may impose a fine not to exceed \$1000.00.

3. PRACTICING OUTSIDE SCOPE OF ROLE/SPECIALTY AND POPULATION FOCUS

3.1 If a licensee engages in the practice of nursing that is outside his or her Scope of Role/Specialty and Population Focus, the Board may impose a fine, in addition to any other disciplinary sanction, as follows:

A. For a first practice violation, the Board may impose a fine not to exceed \$500.00.

B. For a second practice violation, the Board may impose a fine not to exceed \$1000.00.

4. OTHER CIRCUMSTANCES FOR THE IMPOSITIONS OF FINES

4.1 The Board may impose a fine at its discretion where the licensee has benefitted financially from his or her violation of the Nurse Practice Act or any rule adopted by the Board. In such cases, the amount of the fine will be based on the facts and circumstances of the particular case.

Adopted:

Effective: