

THEFT, FRAUD/DECEIT AND FALSIFICATION

POSITION STATEMENT

APPROVED BY THE BOARD 7/23/04

The Arizona State Board of Nursing (Board), in keeping with its mission to protect the health, welfare, and safety of the public, believes it is important to take a position regarding the licensure and certification of persons who have stolen or misappropriated property, money or other possessions from patients/clients, co-workers or employers; who have engaged in fraudulent behavior towards patients or in patients' medical records; who have provided a nursing employer with false or misleading information in order to gain nursing employment; or who have provided the Board with false or misleading information in order to obtain or renew licensure or certification or during an investigation. It is the Board's position that such conduct may affect the ability to safely care for patients and that the position applies to licensees, certificate holders and applicants under the Board's authority.

The Board Adopts the Following Assumptions as the Basis for Its Position:

1. Patients under the care of a nurse or nursing assistant are vulnerable by virtue of illness or injury, and the dependent nature of the nurse-patient relationship.
2. Persons who are especially vulnerable may include the elderly, children, the mentally ill, sedated and anesthetized patients, those whose mental or cognitive ability is compromised and patients who are disabled or immobilized.
3. Honesty, integrity and accuracy are traits imperative for the provision of safe and effective nursing care.
4. Nurses and nursing assistants are frequently in situations where they must report patient condition, record information, provide information to others and possibly report errors, including errors in their own conduct or practice.
5. Falsification of documents related to medication and controlled drug records, patient care, incomplete or inaccurate documentation of patient care, failure to provide the care documented, or other acts of deception place the patient at risk and raises concerns whether the applicant, licensee or certificate holder will continue such behavior and jeopardize patient care.
6. Theft from a patient violates the trust between the patients and care providers, places patients at risk of being exploited and raises concerns whether the applicant, licensee or certificate holder can be trusted to respect the property and/or possessions of other patients.
7. Theft from an employer or co-worker is unprofessional conduct and raises concerns as to whether the same misconduct will be repeated with patients and therefore places patients at risk for theft, fraud and/or deceptive behavior
8. Theft, fraud/deceit or falsifications, including criminal conduct, which occur outside the workplace, raise concerns as to whether the same misconduct will be repeated in the workplace and therefore place patients at risk for theft, fraud and/or deceptive behavior.

9. Not all theft, fraud/deceit and falsifications result in criminal prosecution and conviction and thus Board decisions must be based on underlying conduct that meets statutory definitions of unprofessional conduct, such as; failure to maintain an accurate record, failure to disclose, or providing false information on an application for licensure, certification or employment.
10. Nurses and nursing assistants using information technology (ex: computer-based medical records) are expected to maintain patient confidentiality and not assume access to patient information that is not necessary for their provision of care to the patient or other lawful or authorized access.

GUIDELINES FOR REPORTING CASES OF THEFT, FRAUD/DECEIT & FALSIFICATION

Basic Assumption

Theft, fraud/deceit & falsification (dishonesty) are intentional acts. The best predictor of future behavior is past behavior although remoteness in time may decrease the possibility of reoccurrence. The Board may take disciplinary action against an applicant, licensee or certificate holder who engages in acts involving theft, fraud or deceit.

Conduct Related to Theft, Fraud/Deceit and Falsification Includes But is Not Limited to the Following:

- I. Falsification of an Application (Initial or Renewal) for Licensure or Certification
Applicants have a professional and ethical responsibility to complete the application for licensure/certification completely, truthfully, and accurately.
- II. False Documentation in a Patient Medical or Related Record
Every licensee and certificate holder has a professional and ethical responsibility to complete all documentation completely, truthfully, and accurately.
- III. Falsification of an Employment Application
Applicants for nursing employment have a professional and ethical responsibility to complete the employment application completely, truthfully, and accurately. Falsifying an application for nursing employment by providing false or misleading information, including false or misleading credentials or by omitting pertinent information in order to gain nursing employment, is an act of unprofessional conduct and may be grounds for disciplinary action.
- IV. Physically Altering a License, Certificate or Educational Document
Altering or forging a license, certificate or educational documents is an act of deceit when it is done to obtain employment, change an expiration date, alter credentials, or to indicate that an unlicensed or uncertified individual is licensed or certified (impostor). Per **A.R.S. § 32-1667**, it is a class 6 felony to practice nursing under cover of any diploma, license, permit or record illegally or fraudulently obtained, signed or issued unlawfully or because of fraudulent representation. The Board reports impostors to the Office of the Attorney General, Fraud & Abuse Section, for possible criminal prosecution.
- V. Theft (from a Patient, Employer, Co-worker, or the Public)
Committing theft is an act of unprofessional conduct regardless of the victim. An applicant, licensee or certificate holder who has engaged in theft (non-patient related) is

at risk for similar conduct to occur with patients. Examples of non-patient related theft may include but is not limited to credit card fraud, forgery shoplifting, and property theft. An applicant, licensee or certificate holder who has committed theft from a patient (money, *credit card*, property, valuables or items of sentimental value) is guilty of unprofessional conduct and is at high risk to cause financial and emotional harm or exploit vulnerable patients. Committing theft from an employer may include a pattern timecard fraud or other billing statement fraud, supplies and equipment.

VI. Aiding or Abetting or Agreeing to Procure or Assist Another With Theft, Fraud, or Deceit

Permitting another to use the nurse's or any other person's license or allowing unauthorized access to nursing employment, patients or patient care is an act of unprofessional conduct.

VII. Use of Technology for the Purposes of Theft, Fraud or Deceit

The unauthorized access or exceeding authorized access to medical records, drugs, supplies or equipment when the unauthorized access is for the purposes of theft, fraud or deceit is an act of unprofessional conduct. Unauthorized access may include the use of another person's password to access electronic based records, medications or other supplies for the purposes of theft, fraud or deceit. Exceeding authorized access for the purposes of this position statement means to access a computer/electronic records with authorization and to use such access to obtain or alter information in the computer that the accesser is not entitled so to obtain or alter the record.