

Protect Your Professional License



A personal letter you really don't want to find in your mailbox? Well, of course one from the IRS—but just as daunting is a complaint from your state licensing board containing an accusation of wrongdoing or misconduct.

Due Process

Human service agencies hire many licensed professionals, especially social workers. Naturally, the laws, regulations, and standards regarding each professional licensure are unique and complex. Due to a civil or criminal complaint, investigation or lawsuit, the applicable state licensing authority may seek to take some negative action that jeopardizes that license. Such action cannot happen, however, without due process. For instance, Rhode Island [R.I. Gen. L. § 42-35-14 (b) (2012)] states that, “No revocation, suspension, annulment,

or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency sent notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.”

Remember, while licensing boards may advocate for the professionals they cover, their primary charge is to protect the public. For this reason, almost all states have a public safety exception that allows a licensing board

to suspend a professional license without a hearing if public safety would be in immediate jeopardy.

When to get Legal Advice

Securing a professional license is the culmination of years of education, an enormous investment of money, and many other personal and family sacrifices. That is why trying to resolve a professional licensing issue without an attorney may not be advisable—there's just too much at stake. Involving legal counsel early on is the wiser course. By getting legal advice early, potential problems may be resolved before they lead to a license suspension, restriction, or revocation. And, if an administrative hearing is necessary, your attorney will need time to prepare your case.

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