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You've Been Investigated by the Department of Health. Now What?

In Tennessee, once an individual has been investigated by the [Department of Health](#), the Department of Health investigator will prepare an investigative report, composed of his or her findings, including all evidence he or she collected, and a summary of each individual he or she interviewed. This report will then be handed over to the attorney in the Department of Health Office of General Counsel. The attorney will review the investigative report in conjunction with a consultant, who is typically in the same licensed profession as the individual investigated, to determine what to do next. Together, the consultant and attorney will determine whether the complaint should be dismissed, if a letter of concern or warning should be issued, or if discipline should be imposed. If discipline is proposed by the Department of Health, the healthcare provider will be sent a 4-5-320(c) letter, which lists the Department's findings, and the proposed resolution of the investigation.

The time frame from when an investigative interview takes place, and the healthcare provider investigated is notified of the outcome of the investigation can take weeks, or in most cases, months. What should a healthcare provider do in the interim?

1. Hire an attorney, if you haven't already.

An attorney can represent you in whatever steps happen next, and this will give you great peace of mind as you wait for the outcome of the investigation. Additionally, your attorney can advise you regarding any employment questions you may have—i.e., how and when to report to your employer that you were investigated, for example. If you're not sure how to find an administrative law attorney in your state, contact your state professional organization (for example, the [Tennessee Medical Association](#) for physicians). Your professional organization should have a list of attorneys with experience in administrative law available for its members.

2. Maintain your practice, if you are safe to do so.

Unless you have an addiction, or other condition that would prevent you from safely engaging in your profession, continue to practice. Be mindful of any mandatory notice you need to provide to your current or prospective employers regarding the pending investigation. Otherwise, unless your license has been summarily suspended pending the outcome of the investigation, your license will be valid and unencumbered until you either (1) agree to discipline, or (2) have discipline imposed as the result of a hearing before your professional board.

3. If the investigation revealed some areas where you need to improve your practice, take it upon yourself to implement necessary improvements.

If you are investigated for poor documentation, sign up for continuing education on documentation, and implement what you learn at your CEs in your practice. If you're investigated for prescribing too many controlled substances, reduce the amount of controlled substances you prescribe, and ensure that your documentation justifies your prescribing. You can begin to implement the necessary changes that the investigation has revealed you need without waiting for your professional board to order you to do so.

4. If the investigation was a result of some addiction or substance abuse, seek appropriate treatment.

Most states have professional organizations that provide confidential assistance to physicians, nurses, and nurse practitioners. Further, every metro area has free AA and NA meetings at local churches and community centers. Take it upon yourself to implement whatever change is necessary to ensure that you are safe to practice. And as mentioned before, if you are not safe to practice, don't go back to work in a hospital or clinic. Period. The risk of harming a patient is too great to take such a gamble.

5. Try not to panic.

Spending the next eight months of your life holed up in your house like a hermit, losing sleep over the investigation into your licensure will not change the outcome of the investigation. If you made a mistake that lead to the investigation, take steps to ensure that you don't make such a mistake again. If the investigation reveals ways that you can improve your practice, take steps to improve your practice. While the length of time between an investigation and the outcome can seem overwhelming, look at this time as an opportunity for you to take proactive steps to demonstrate to your professional board what sort of person and provider you are—the sort of provider who doesn't wallow in self-pity, but rather, does what it takes to ensure that he or she is the best doctor, nurse practitioner, or nurse he or she can be.

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