


**DEPARTMENT OF HEALTH  
NURSING CARE QUALITY ASSURANCE COMMISSION  
PROCEDURE**

<b>Title:</b>	Washington Health Professional Services (WHPS) Program Non-Compliance and Discharge Criteria	<b>Number:</b>	W32.03
<b>Reference:</b>	<a href="#">RCW 18.130.160</a> <a href="#">RCW 18.130.175</a> <a href="#">WAC 246-840-750</a> through <a href="#">246-840-780</a>		
<b>Contact:</b>	Paula R. Meyer, MSN, RN, FRE Executive Director Nursing Care Quality Assurance Commission		
<b>Effective Date:</b>	March 11, 2022	Date Reviewed: March 11, 2022	
<b>Supersedes:</b>	W01.01 W02.01 W32.01 W32.02		
<b>Approved:</b>	 <b>Laurie Soine, Ph.D., ARNP, Chair</b> <b>Nursing Care Quality Assurance Commission</b>		

**PURPOSE:**

To define significant non-compliance with the WHPS program and circumstances under which WHPS may refer a nurse to Substance Use Disorder Review Panel (SUDRP) for potential discipline or discharge a nurse from the program.

**PROCEDURE:**

- I. Referral to SUDRP
  - A. Significant non-compliance with contract and program requirements will result in referral to SUDRP. (See Appendix A. *Significant Non-Compliance*, attached to this procedure.)
  - B. WHPS will refer a voluntary nurse to SUDRP:
    1. Who presents with a significant psychiatric issue.
    2. Who exhibits behaviors that may result in patient harm.
    3. Who is in significant non-compliance with their monitoring contract and deemed to pose a risk to patient safety.

- C. When WHPS refers a nurse to SUDRP, they will make the nurse's entire monitoring record available to SUDRP.
- D. The WHPS Assistant Director will make the referral within three business days of case staffing. (*See Procedure W36 Case Management; also see Procedure W44.02 for referrals related to unauthorized substance use.*)
- E. The referral memo to SUDRP will include:
  - 1. Reason for entry into WHPS.
  - 2. Diagnosis.
  - 3. Reason for referral.
  - 4. Compliance summary.
  - 5. Current monitoring status.
  - 6. Any actions taken by WHPS.

## II. Program Discharge

- A. WHPS may discharge a nurse for the following, but not limited to:
  - 1. No contact for up to two weeks.
  - 2. Uncooperative or unwilling to comply with monitoring requirements (e.g. refusal to take a scheduled drug test or sign a release of information).
- B. WHPS refers the nurse to SUDRP within three business days of case staffing.
- C. WHPS will notify the Worksite Monitor (WSM), if any, of the nurse's discharge from the program.
  - 1. The nurse may continue to legally practice under their license.
  - 2. WHPS can no longer monitor the nurse's safety to practice.
- D. The nurse may re-enroll in the program after the disciplinary process, and at the discretion of WHPS, to document recovery efforts.
- E. Nurses re-admitted to WHPS after discharge must complete the entire intake process, including providing a current (within the previous 90 days) substance use disorder evaluation.

## III. Withdrawal Due To Financial Reasons

- A. WHPS will inform SUDRP via a referral memo when the nurse withdraws due to financial reasons and is eligible to return to monitoring when able.
- B. When the nurse withdraws in writing, WHPS will include the nurse's statement in the referral memo.
- C. WHPS strongly recommends that the nurse continue to document all recovery activities.

## IV. Incarceration

- A. WHPS will place incarcerated nurses on extended monitoring interruption status.
- B. WHPS will extend the Program Participation Contract for the length of time the nurse is incarcerated.
- C. WHPS will inform SUDRP of the nurse's incarceration when greater than one year.

## V. License Suspension

- A. Nurses under license suspension may choose to remain in or return to WHPS. Participating in the program provides evidence of recovery in the event the nurse applies for reinstatement.
- B. All contract terms remain in effect and the nurse must meet all program expectations.

## WASHINGTON HEALTH PROFESSIONAL SERVICES (WHPS)

### Appendix A Significant Non-Compliance

- I. Compliance with all aspects of the WHPS Program is expected. For any instance of significant non-compliance, WHPS will take one or more of the following actions, including but not limited to:
  - A. SUDRP referral – Mandatory for unauthorized substance use, third missed drug test, practicing without approval, or discharge from the program
  - B. Program discharge
  - C. Removal from practice
  - D. Increase in drug test frequency
  - E. Additional testing including, but not limited to, hair, nail, or blood analysis
  - F. Referral for substance use evaluation
  - G. Contract extension
  - H. Practice restriction modification
  - I. Work Site Monitor (WSM) notification
  - J. Cease practice
- II. Significant non-compliance includes, but is not limited to:
  - A. Unauthorized substance use
  - B. Positive drug test not explained by valid prescription
  - C. Missed drug tests (*Three missed tests within two years; see Procedure W43.01*)
  - D. Specimen substitution or adulteration
  - E. A pattern of behavior inconsistent with good recovery
  - F. Drug diversion
  - G. Prescription forging, tampering, or modifying
  - H. Illegal possession of drugs (legend, controlled, or illegal drugs)
  - I. Arrests involving use or possession of alcohol or drugs
  - J. Accepting employment or modified duties without prior approval
  - K. Violation of work practice restrictions
  - L. Absences from treatment
  - M. Refusal to attend or excessive absences from required meetings
  - N. Refusal to sign requested information releases