


**DEPARTMENT OF HEALTH  
WASHINGTON STATE BOARD OF NURSING  
PROCEDURE**

<b>Title:</b>	Program Non-Compliance and Discharge Criteria	<b>Number:</b>	W32.04
<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> <a href="#">WAC 246-16-235(2)</a>		
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<b>Approved:</b>			
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**PURPOSE:**

To define significant non-compliance with the Washington Health Professional Services (WHPS) program and circumstances under which WHPS may refer a nurse to the Washington State Board of Nursing (WABON) for potential discipline or discharge from the program.

**PROCEDURE:**

- I. Referral to Substance Use Disorder Referral Panel (SUDRP)
  - A. Voluntary nurses
    1. WHPS may refer a voluntary nurse to SUDRP for:
      - a. Actions that resulted in patient harm.
      - b. Continued use of unauthorized substances while working or drug diversion.
      - c. If SUDRP determines there is imminent danger to patients, SUDRP can

authorize an investigation.

2. A voluntary nurse's identity will remain confidential when referred to the SUDRP, until a decision is made to authorize an investigation.

B. Nurses under discipline or in lieu of discipline

1. Significant non-compliance with their contract or program requirements will result in referral to the Substance Use Disorder Referral Panel (SUDRP).  
(See Appendix A: *Significant Non-Compliance*.)

C. When WHPS refers a nurse to SUDRP, WHPS will make the nurse's entire monitoring record available to SUDRP.

D. WHPS will make the referral within 30 days of receiving the confirmatory test results or reported significant non-compliance. (See Procedures W36 *Case Management* and W44.02 *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 two or more weeks.
2. Uncooperative or unwilling to comply with monitoring requirements (e.g., refusal to take a scheduled drug test, sign a release of information, or repeated significant non-compliance.)

B. WHPS refers the nurse to SUDRP within 30 days of receiving the confirmatory test results or reported significant non-compliance.

C. WHPS will notify the Worksite Monitor (WSM), if applicable, of the nurse's discharge from the program.

1. The nurse may continue to legally practice under their license.
2. WHPS will no longer monitor the nurse's safety to practice.

D. The nurse may re-enroll in the program after the disciplinary process, at the discretion of WHPS, to document recovery efforts.

E. Nurses re-admitted to WHPS after discharge must complete the entire intake process which includes a current substance use disorder evaluation (within the previous 90 days).

## III. Withdrawal Due to Financial Reasons

A. SUDRP will determine the eligibility of the nurse for the stipend program to assist with the costs associated with remaining in the program. (See Procedure W50 *Stipend and Stigma Program*.)

B. If the nurse is ineligible or declines the stipend program, WHPS will:

1. Inform the SUDRP via a referral memo when the nurse withdraws due to

- financial reasons and is eligible to return to monitoring when able.
2. When the nurse withdraws in writing, WHPS will include the nurse's statement in the referral memo.
  3. 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 monitoring contract for the length of time the nurse is incarcerated.
- C. WHPS will inform WABON of the nurse's incarceration if convicted of a gross misdemeanor or felony.

#### V. License Suspension

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

## 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. WABON referral via the Substance Use Disorder Referral Panel (SUDRP)
  - 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
  - K. Substance Use Disorder Professional (SUDP) notification
  - L. Peer Support Group facilitator notification
  
- II. Significant non-compliance includes, but is not limited to:
  - A. Unauthorized substance use
  - B. Positive drug test not explained by valid prescription
  - C. Three or more dilute samples within a three-month period
  - D. Three or more abnormal samples within a three month without a medical evaluation for physical cause
  - E. Missed drug tests (Three missed tests within two years; see Procedure W43 *Missed Check-Ins and Tests*.)
  - F. Specimen substitution or adulteration
  - G. A pattern of behavior inconsistent with good recovery
  - H. Drug diversion
  - I. Prescription forging, tampering, or modifying medications
  - J. Illegal possession of drugs (legend, controlled, or illegal drugs)
  - K. Arrests involving use or possession of alcohol or drugs
  - L. Accepting employment or modified duties without prior approval
  - M. Violation of work practice restrictions
  - N. Any treatment non-compliance (e.g., absences, positive drug screens, non-compliance discharge, etc.)
  - O. Refusal to attend or excessive absences from required meetings
  - P. Refusal to sign requested release of information
  - Q. Failure to submit required reports over a three-month period
  - R. Suspended account in the monitoring database system due to testing non-payment for no longer than five business days.