

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

Title:	Unauthorized Substance Use	Number:	W44.03
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Reference: [RCW 18.130.160](#) - Finding of unprofessional conduct—Orders—Sanctions—Stay—Costs—Stipulations.
[RCW 18.130.175](#) - Physician health and voluntary substance use disorder monitoring programs (*as amended by 2023 c 425*).
[WAC 246-840-750](#) - Philosophy governing voluntary substance use monitoring programs.
[WAC 246-840-760](#) - Definitions of terms used in WAC [246-840-750](#) through [246-840-790](#).
[WAC 246-840-770](#) - Approval of substance use monitoring programs
[WAC 246-840-780](#) - Conditions for participants entering the approved substance use monitoring program.
[WAC 246-840-790](#) - Substance use disorder monitoring stipend program

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Supersedes: W44.02 – November 4, 2022
W44.01 - March 8, 2019
W11.01 - January 8, 2016

Approved: 

Dawn Morrell, BSN, RN
Chair
Washington State Board of Nursing (WABON)

PURPOSE:

For public protection and the purposes of monitoring, the National Council of State Boards of Nursing *Substance Use Disorder in Nursing* (2011) defines relapse as “any unauthorized use or abuse of alcohol, medications or mind-altering substances. Patient safety is jeopardized if a relapse

is not identified early. Consistent monitoring and immediate identification of relapse is critical as it puts the nurse's health in immediate jeopardy and may be fatal." (Page 216)

PROCEDURE:

- I. If a nurse uses an unauthorized substance, the nurse will:
 - A. Immediately report the unauthorized substance use to Washington Health Professional Services (WHPS), the Peer Support Group (PSG), and the work site monitor (WSM).
 - B. Immediately cease practice.
 - C. Complete an observed drug test at the direction of the WHPS case manager.
 - D. Schedule a substance use disorder (SUD) evaluation according to *Procedure W34 Substance Use Evaluation and Treatment Services*. The nurse must schedule the SUD evaluation within two days.
 - E. Begin the recommended level of treatment as soon as possible.
 - F. Not return to practice until the treatment counselor and WHPS determine the nurse is safe to practice.

- II. WHPS will:
 - A. Verify with the WSM that the nurse has ceased practice.
 - B. Review all instances of unauthorized substance use at case staffing meeting.
 - C. Assess each case individually according to relapse behavior. WHPS will consider:
 1. Number of unauthorized substance use incidents.
 2. Return to prior use pattern.
 3. Little or no program contact.
 4. Program participation type.
 5. Use within the context of active practice.
 6. Program non-compliance history.
 7. Current SUD evaluation.
 - D. Refer any unauthorized substance use that occurs after the first 90 days of program participation to the Substance Use Disorder Review Panel (SUDRP) within 30 days of receiving the confirmatory test results. (*Refer to Procedure A20, Substance Abuse Orders.*) WHPS may not consider unauthorized substance use during the first 90 days as relapse due to a lack of period of abstinence or significant recovery time. The report to SUDRP will include the following information and documentation:
 1. Evaluation summary with diagnosis and treatment recommendations from the nurse's healthcare provider.
 2. Positive drug or alcohol screen, including positive tests reported from sources outside WHPS, with Medical Review Officer (MRO) review if applicable.
 3. Complete significant non-compliance history.
 4. Synopsis of program history.
 5. Current monitoring contract.
 6. Incident report.
 7. WHPS recommendation.
 - E. In the interest of public safety, cases that involve, but are not limited to, workplace diversion, patient harm, or illegal activity (e.g., medication resale) may necessitate restarting contract lengths and terms.

- III. Amended Program Participation Contracts (*See Procedure W35 Terms and Conditions of Contract Compliance.*)
 - A. When an SUD evaluation results in an elevated diagnosis, WHPS and/or SUDRP will adjust contract terms and conditions accordingly.
 - B. The nurse has ten working days to return the amended contract. If the nurse fails to return the contract or chooses not to accept the contract, WHPS will refer the nurse to SUDRP and may discharge the nurse from the program.