

**Arizona State Board of Nursing
Substantive Policy Statement**

ALTERNATIVE TO DISCIPLINE (ATD)
CHEMICALLY ADDICTED NURSE DIVERSION OPTION “CANDO” PATHWAY
Eligibility and Admission Policy
May 18, 2018

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement (ARS § 41-1091).

§32-1605.01. Executive director; compensation; powers; duties

- B. The executive director or the executive director's designee shall:
7. On behalf of the board, enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation and monitoring of chemical dependency. A licensee who materially fails to comply with a program requirement shall be reported to the board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law. Notwithstanding any law to the contrary, stipulated agreements are not public records if the following conditions are met:
 - (a) The licensee voluntarily agrees to participate in the confidential program.
 - (b) The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve step program and nurse support group.
 - (c) The licensee refrains from the practice of nursing until the return to nursing has been approved by the treatment program and the executive director or the executive director's designee.
 - (d) The licensee complies with all monitoring requirements of the stipulated agreement including random drug testing.
 - (e) The licensee's nursing employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.

Purpose: To define the eligibility criteria for acceptance and participation in the Board’s Alternative to Discipline (“ATD”) Program for the treatment, rehabilitation and monitoring of licensees with substance use disorders.

ALTERNATIVE TO DISCIPLINE
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ELIGIBILITY CRITERIA

1. The ATD Program Consultant and/or their designee, schedules the initial screening of the potential ATD participant, gathers intake information to determine eligibility for entering the ATD Program, and may provide referrals for evaluations and treatment assessment.
2. Eligibility to enter into the ATD Program is limited to registered or licensed practical nurses either eligible for or holding an Arizona nursing license.
3. An applicant for licensure by endorsement who is currently enrolled in an ATD Program in another state must be in good standing with his/her current program, have written permission from his/her current program/state of licensure to seek permission to practice in Arizona and be approved for licensure and entry into ATD Program by the Board. (If an individual is currently licensed in Arizona and participating in another state’s ATD Program and otherwise meets eligibility requirements, the licensee may be approved for entry into the ATD Program by the ATD Program Consultant or designee.)
4. Eligibility requirements to participate in CANDO Track includes the following criteria.
 - a) Voluntarily requests admission to the ATD Program.
 - b) Agree, in writing, to comply with all elements of the ATD Stipulated Agreement.
 - c) Acknowledges abusing drugs and/or alcohol in a manner that may affect his/her ability to practice safely and according to the Nurse Practice Act.
 - d) Has not been terminated, due to noncompliance, from any alternative to discipline by any state board or state board approved program.
 - e) Has no nursing practice problems involving significant harm or death to a patient.
 - f) Has not engaged in the diversion of drugs or other substances for the purpose of sale or distribution to others.
 - g) Has not engaged in behavior that has high potential to cause patient harm such as diverting drugs by replacing the drug with another drug and/or unsterile solution.
 - h) Is under investigation by another state board, unrelated to his/her entry into the ATD Program, and which results in probation, suspension, surrender or revocation of licensure in another state, he/she will not be eligible to continue in the ATD Program and will be referred to the Board.
 - i) Is otherwise eligible for continued licensure.
 - j) Agrees to abstain from the use of alcohol and/or other potentially addicting drugs.
 - k) May not continue on long-term/chronic use of controlled drugs and potentially impairing medications.
 - l) Agrees to limit his/her nursing practice to this state only and will be issued a single state license while in an ATD Program.
 - m) Individual may have previously participated one time in an alternative to discipline program without relapse.

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ADMISSION PROCEDURE

1. Upon receipt of a complaint/self-report related to potential substance abuse concerns, an ATD Program contact letter is sent to the potentially eligible licensee informing him/her of the complaint and potential eligibility for admission into an ATD Program. If the licensee does not contact the ATD Program Consultant within 10 days of the date of the letter, the complaint is forwarded for investigative assignment.
2. If, upon initial contact, the licensee acknowledges substance abuse and requests entry in to the ATD Program:
 - A. The potential participant completes an interview and assessment with the ATD Program Director and/or their designee and signs appropriate consents for the release of relevant information to the ATD Program. This information may include, but is not limited to, employment records, medical records, pharmacy profiles, psychological/psychiatric treatment records and substance abuse treatment records.
 - B. The ATD Program Consultant, following the interview, assessment and review of collateral information determines the required stipulations for participation in CANDO.
 - C. The potential ATD Program participant reviews and signs the ATD Program Stipulated Agreement. The effective date of the ATD Program Stipulated Agreement is the date that the Stipulated Agreement is signed by the licensee and accepted by the ATD Program Consultant/Executive Director.
 - D. Contingent upon remaining compliant and in good standings with the terms of the ATD Program Stipulated Agreement, all information received regarding an ATD Program participant and that relates to the ATD Program Stipulated Agreement, will remain non-public. Information may be shared with other nursing regulatory boards in which the person holds licensure or seeks licensure while participating in the ATD Program.
3. When an individual acknowledges substance abuse and requests entry in to the ATD Program by licensure endorsement or as a transfer from an alternative to discipline program in another state, or after initiation of an investigation:
 - A. The potential participant completes an interview and assessment with the ATD Program Director and/or their designee. The individual is expected to demonstrate substantial commitment to recovery as evidenced by participation and compliance in substance abuse treatment and a commitment to the 12 step philosophy.
 - B. The potential participant/licensee signs a Waiver of Confidentiality and the appropriate consents for the release of relevant information to the ATD Program. This information may include, but is not limited to, employment medical records, pharmacy profiles, psychological/psychiatric treatment records and substance abuse treatment records.

- C. The ATD Program Consultant following the interview, assessment and review of collateral information determines the required stipulations for participation in ATD Program and the potential ATD Program participant signs the Stipulated Agreement.
 - D. The effective date of the ATD Program Stipulated Agreement is the date that the signed Stipulated Agreement is accepted by the Board.
4. If a ATD Program participant is discharged or referred to the Board for non-compliance with the terms of the Program ATD Stipulated Agreement, all information received by the ATD Program regarding the former participant, both prior to and during their participation in ATD Program, will no longer be confidential and may be used by the Board of Nursing in determining the appropriate licensure sanctions.