

Additional Information for Florida Nurses:

I. Employer Initiatives to Promote Safety and Provide Assistance to the Impaired Nurse

Hospitals and other institutions that employ nurses may offer different types of initiatives for those who are identified as impaired.

A. Peer Assistance Program

As discussed in the case study with the nurse, Katie, in the article by Brown (2016), “...peer assistance programs typically require nurses to sign a contract, which specifies the

- length of time in the program
- number of meetings to attend each week
- frequency of random urine drug screens”¹

B. Employee Assistance Program

Hospitals and other healthcare organizations may offer assistance to the impaired nurse through an Employee Assistance Program (EAP).

“EAPs address a broad and complex body of issues affecting mental and emotional well-being, such as alcohol and other substance abuse, stress, grief, family problems, and psychological disorders.”²

Characteristics and components of EAPs include that they:²

- are voluntary
- are free
- are confidential
- provide short term counseling
- provide referrals and follow-up as needed

C. The Florida Intervention Project for Nurses

In Florida, as an alternative to disciplinary action, the Intervention Project for Nurses (IPN) was established in 1983 by then Governor Bob Graham. (<http://www.ipnfl.org>).³

II. Mandatory Reporting

Chapter 464 of the Florida statutes that regulate professions and occupations, including nursing, makes clear the grounds for disciplinary action for impaired individuals as well as for those professionals who do *not* report a colleague who is suspected of being impaired or possesses, sells or distributes a controlled substance.

Penalties for those in either group that may be imposed by the Florida Department of Health include:⁴

- probation
- letter of reprimand
- suspension
- permanent revocation of a license
- restriction of practice
- fines

III. Making a Referral/Report and Treatment

According to the Florida Board of Nursing, “Any person suspecting impairment of a nurse’s ability to provide safe nursing care may report this nurse to the Florida Department of Health (DOH) and/or the IPN. Under Florida’s Mandatory Reporting Law, *all* (emphasis added) licensed nurses must report any suspected impairment in practice to DOH and/or IPN.”⁵

“The IPN under contract with the Florida Department of Health (DOH) provides state-wide education, support and monitoring to nurses with impairing conditions such as substance use disorders, psychiatric and physical conditions.”⁶

The IPN does not treat impairment, but makes referrals to treatment as appropriate. Also, to become an approved treatment program, the program must first be approved by the IPN. “IPN has a network of dozens of approved professional treatment programs in Florida and other states.”⁶

Steps:

- Referral to the IPN
- Assessment by IPN staff to determine if further evaluation is warranted
- Evaluation by IPN Evaluator
- Treatment recommendations
- Temporary withdrawal from practice
- Treatment program officials and IPN consult to determine when return to practice is appropriate
- Ongoing monitoring for 5 years

In cases where the nurse refuses the referral and withdrawal from practice, or does not successfully complete the program, then the Florida Department of Health (DOH) may proceed to disciplinary action.

IV. Outcome of Treatment and Return to Work

According to the National Council of State Boards of Nursing, about 70% of nurses who seek treatment successfully return to practice.⁷

At the time of return, a “return to work” agreement for the nurse will delineate:⁸

- approved areas of nursing for employment
- any limitations of hours worked

- any restrictions on opioid handling
- required direct supervision
- performance reporting
- random testing

Florida Specific Resources for More Information:

The Intervention Project for Nurses (IPN) (<http://www.ipnfl.org>)

For further information about acts that constitute grounds for denial of a license or disciplinary action, please see the Florida Statute 464.018, sections (i)(j)(k) *Disciplinary actions*, and 456.072, sections (i)(z)(hh).⁴

Additional Resources:

Free education materials are available from the National Council of State Boards of Nursing about substance use disorder (SUD) at www.ncsbn.org/sud-nursing:

- “Understanding Substance Use Disorder in Nursing” and “Nurse Manager Guidelines for Substance Use Disorder” online courses offered through NCSBN Learning Extension.
- “Substance Use Disorder in Nursing” video and “What You Need to Know About Substance Use Disorder in Nursing” brochure.
- Understand the roles and responsibilities of a nurse manager in situations with “A Nurse Manager’s Guide to Substance Use Disorder in Nursing” brochure.
- Posters to remind others about the vital role they play in protecting the public by being armed with knowledge.

References:

1. Brown LA. Substance abuse and the law: a case study. *Nursing* 2016;46(6):58-61.
2. U.S. Office of Personnel Management. *Frequently asked questions: work life. What is an employee assistance program (EAP)?* n.d. <https://www.opm.gov/faqs/QA.aspx?fid=4313c618-a96e-4c8e-b078-1f76912a10d9&pid=2c2b1e5b-6ff1-4940-b478-34039a1e1174>.
3. Intervention Project for Nurses. *IPN home page*. n.d. <https://ipnfl.org/>.
4. State of Florida Legislature. Statutes. Title XXXII: regulation of professions and occupations. Chapter 456: health professions and occupations: general provisions. Section 456.072(2)--grounds for discipline; penalties; enforcement. Tallahassee, FL: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0456/Sections/0456.072.html 2017.

5. Florida Board of Nursing. *Help center. Who may make a report to the Intervention Project for Nurses?*. n.d.<http://floridasnursing.gov/help-center/who-may-make-a-report-to-the-intervention-project-for-nurses-ipn/>.

6. Florida Nurses Association, Workforce Advocacy Program (WFA). *WFA professional development series*. Orlando, FL; n.d.;
https://www.floridanurse.org/Resources/documents/WFA_IPN.pdf.

7. National Council of State Boards of Nursing. *Substance use disorder in nursing: a resource manual and guidelines for alternative and disciplinary monitoring programs*. Chicago, IL; 2011.
https://www.ncsbn.org/SUDN_11.pdf. _

8. National Council of State Boards of Nursing. *A nurse manager's guide to substance use disorder in nursing*. Chicago, IL; 2014.
https://www.ncsbn.org/Mgr_SUDiN_Brochure_2014.pdf.