

THESE RULES ARE TO BE REPEALED

DEPARTMENT OF REGULATORY AGENCIES

Division of Registrations

3 CCR 716-1

CHAPTER XII - RULES AND REGULATIONS FOR IMPAIRED PROFESSIONAL DIVERSION PROGRAM

STATEMENT OF BASIS AND PURPOSE

The rules contained in this Chapter XII are adopted pursuant to authority granted the Board of Nursing by C.R.S., as amended, 2000, 12-38-131. These rules are adopted to set criteria for acceptance, denial, or termination from the program, specifying that only those persons who request acceptance into the program may participate; provide that a person who is not specifically identified by the board as a candidate for the program may apply; allow licensees credit for participating in a similar program in this or another state on a case-by-case basis; and allow information that would otherwise be confidential to be released, on a case-by-case basis, to another state when such information is requested of a person who has not satisfactorily completed the program in this state.

A. ACCEPTANCE OF PARTICIPANTS

The criteria for eligibility for participation in the program are as follows.

1. A person shall be a professional or practical nurse with a license to practice nursing in this state or have applied for licensure and paid all required fees.
2. A person shall acknowledge in writing a psychiatric, psychological or emotional problem, a dependence upon or an abuse of alcohol and/or other chemicals in a manner which may affect the person's ability to practice within generally accepted standards of practice or with reasonable skill and safety to patients under his/her care. The written acknowledgment of one or more of the above stated problems shall be separate from the diversion program's admission application and shall be submitted to the Board with any referral to the Board from the diversion program.
3. A person shall not have identified practice problems or previous disciplinary action. At its discretion, the Board may allow a previously disciplined person to participate if the facts considered at the time of the diversion program application warrant such action.
4. A person shall not have been terminated or denied from this or any other impaired professional diversion program. However, at its discretion, the committee may consider these applications on a case-by-case basis, as referred by the Board. The person must report to the impaired professional diversion program any pending or current action in this or any other state.
5. A person shall agree to the terms and conditions of any contract and contract amendments with the impaired professional diversion program as set forth by the program.
6. If a person has prior disciplinary action, or if a complaint has been filed with the Board, which if the facts contained therein were proven, constitutes a violation of 12-38-117(1)(i) or (j) C.R.S., the person may apply to the program only with the written agreement or authorization of the Board which may be delegated to board staff. Such written agreement may be a public document with the Board.
7. The program shall not notify the Board of a person who has not otherwise been identified to the Board solely because the person has contacted, applied to or participated in the program. If the program has reasonable cause to believe that the person in question may be unable to practice with reasonable skill and safety, the program shall orally notify the Board within twenty four hours (or next working day) and provide all relevant information to the Board, any oral report shall be followed by a written report.

8. A licensee in compliance with another state's impaired professional diversion program who meets all other eligibility criteria may transfer with the permission and/or written proof of compliance of the other program(s). Credit may be given for compliant time served in the first program(s).
9. Failure to meet the eligibility criteria as determined by the impaired professional diversion committee may constitute grounds for denial.

B. TERMINATION FROM/DENIAL OF/DISCHARGE FROM THE PROGRAM

1. A person may be referred to the Board of Nursing for disciplinary action for any of the following reasons:
 - A. Not complying with his/her monitoring contract with the program.
 - B. Becoming unable to practice with reasonable skill and safety.
 - C. Transferring to another state, engaging in nursing practice, and failing to inform in a timely fashion that state's board of nursing, impaired professional diversion program, or their equivalent of his or her participation in Colorado's impaired professional diversion program.
 - D. Not maintaining eligibility criteria.
 - E. Falsifying or failing to disclose violations of any provision of the Nurse Practice Act.
2. A person may be discharged from the program for any of the following reasons:
 - A. Successful completion of the monitoring contract or,
 - B. At the Committee's discretion, and if the person has no unresolved complaints or stipulated Board agreement in effect.
3. The Board may proceed with formal disciplinary action against any person who has been referred by the program.
4. The records of any person who has been referred to the Board shall be available to the Board through a subpoena.

C. DEMOGRAPHIC REPORTS

1. The program shall provide to the Board on a quarterly basis demographic data as requested by the Board.

D. FINANCIAL REPORTS

1. The program shall provide a report to the Board quarterly detailing how the monies from the administering entity were utilized.
2. The program shall establish and provide the Board with an annual budget so that the Board may order funds to be released from the administering entity.

E. THE PROGRAM

The program shall:

1. Implement an outreach program and education plan which will identify licensees with alcohol and drug abuse, psychiatric, psychological, or emotional problems.
2. Implement an outreach program and education plan to encourage participation by eligible persons.

3. Implement an outreach program and education plan to encourage referrals to the programs by nursing managers, employers, treatment providers, families, and other concerned individuals.
4. Conduct an initial assessment of persons who wish to participate in the program which may include referrals for evaluations as appropriate.
5. Make appropriate referrals for evaluation and treatment.
6. Monitor the nursing practice and treatment plan compliance of participants.
7. Have a written, signed contract with all participants regardless of method of referral to the program which outlines the consequences of a failure to comply with the terms and conditions of said contract.
8. Provide a written or oral report to the Board within 24 hours (or next working day) when a person who was referred by the Board has failed to apply, or been denied or terminated from the program for any reason other than successful completion and/or when a any person has been denied or terminated from the program due to safety to practice concerns. Any oral report shall be followed with a written report.
9. Provide the reports as set forth in these rules and regulations.
10. Establish treatment and monitoring plans which will reasonably assure protection of the public as well as benefit the licensee. Such plans shall meet generally accepted standards of treatment and monitoring for impaired professional diversion programs.
11. Submit to the Board an annual internal self evaluation beginning in 1997 and an external program evaluation in lieu of the annual internal self evaluation every three years, beginning in 1999. The external program evaluator must be approved by the Board.

~~Adopted July 25, 2002 Repealed January 23, 2008~~
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