

Title 30: Professions and Occupations

Part 2826: MISSISSIPPI NURSE VOLUNTARY PROGRAM [MnVP]

Part 2826, Chapter 1: Responsibilities of the Program

Rule 1.1 Definitions. For Part 2826 only, the following terms have the meanings indicated:

- A. **Alternative Program:** A confidential and non-disciplinary program for eligible nurse applicants designed to promote early identification of substance use/abuse; removal from nursing practice and entry into treatment; and for monitoring of compliance upon re-entry into nursing practice.
- B. **Assessment:** A formal substance use/abuse evaluation conducted by a Board-approved licensed provider who is certified and/or credentialed in substance use disorders/abuse to render a diagnosis, course of treatment, prescribe recommended treatment, prognosis and professional opinion as to whether or not the nurse applicant is capable of practicing nursing with reasonable skill and safety to patients. The evaluation may include a complete physical and psychosocial assessment performed by a Board-approved licensed or certified medical, mental health or psychological specialist.
- C. **Board/ MSBN:** Mississippi Board of Nursing.
- D. **Computation of Time:** Unless indicated otherwise, when the period is stated in days or a longer unit of time:
 - 1) Exclude the day of the event that triggers the period;
 - 2) Count every day, including intermediate Saturdays, Sundays and legal holidays; and
 - 3) Include the last day of the period, but if the last day is a Saturday, Sunday or legal holiday as set forth in Mississippi state statute, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.
- E. **Drug and Alcohol Screens:** Periodic unannounced screens that will test for drugs abused by submission of nurse applicant's blood, urine, body fluid testing, hair testing, saliva or any other valid and reliable method of testing.
- F. **Eligibility Committee:** Committee composed of MnVP staff, Board Member(s) and/or treatment provider(s).
- G. **Employer Reports:** Reports required from employer demonstrating nurse applicant's work performance.
- H. **Medication Verification Form:** A form required from healthcare provider disclosing any medications currently taking.
- I. **MnVP:** Mississippi Nurse Voluntary Program.
- J. **Nurse Applicant:** A nurse who is eligible to apply to or has been accepted into MnVP.
- K. **Employer Acknowledgement Agreement:** A required agreement between the nurse applicant and Supervisor incorporated within nurse applicant's MnVP monitoring agreement.

- L. Self-Reports: A report completed by the nurse applicant detailing the nurse applicant's symptoms, behaviors, beliefs and/or attitudes of continued sobriety and recovery recommendations.
- M. Supervisor: Employer or Employer designee.
- N. Twelve-Step or Support Meetings: Meetings that require a minimum attendance of three (3) meetings a week to support a nurse applicant's continued sobriety and compliance with recovery and/or treatment recommendations.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.2 Functions and Responsibilities. The MnVP shall have the following functions and responsibilities:

- A. Protect the public while monitoring the nurse to assure safe practice.
- B. Encourage early identification of substance use/abuse, entry into treatment and entry into a monitoring agreement into the MnVP for monitoring of compliance with treatment and practice monitoring.
- C. Identify, respond to and report noncompliance to the MSBN in a timely manner.
- D. Facilitate nurse applicants to enter and maintain an ongoing recovery consistent with patient safety and the overall health and wellbeing of nurses.
- E. Be transparent and accountable to the public by providing non-confidential information about the MnVP to the public, which includes:
 - 1) Policies and procedures of the program.
 - 2) Annual reports, audits and aggregate data.
 - 3) Educational materials and other resources.
 - 4) Conferences and continuing education offerings.
- F. All nurse applicants in the MnVP may be reported as required by state and federal laws to a non-public national database that gives access to all states.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.3 Eligibility Criteria. An individual may be admitted to the MnVP if the individual meets the following eligibility criteria:

- A. Is an APRN, RN, or LPN in the State of Mississippi in good standing or is eligible for a license in the State of Mississippi.
- B. Requests admission in writing.
- C. Admits to substance use disorder in writing.
- D. Admission into the MnVP shall be determined by the eligibility committee, MnVP staff, and/or the treatment provider. A Nurse Applicant's request for admission to the program may be denied if the Nurse Applicant's participation in the program is determined to pose

significant risk for the health care consumer as determined by the eligibility committee and/or the treatment provider.

- E. Admission to the program shall be denied if the nurse applicant:
 - 1) Has diverted controlled substances for other than self-administration.
 - 2) Has caused known provable harm to patients;
 - 3) Has engaged in behavior that has high potential to cause patient harm;
 - 4) Is not eligible for licensure in the State of Mississippi; or
 - 5) Has been discharged or terminated from the same or any other alternative program for non-compliance within the past five (5) years.
- F. Admission to the MnVP may be additionally denied if the nurse applicant:
 - 1) Has a history of past disciplinary action in any state that is not related to substance use and resulted in probation, revocation or suspension of licensure;
 - 2) Has any pending criminal action or a prior felony;
 - 3) Has had incidents that may have caused harm, abuse or neglect to patients; or
 - 4) For other circumstances in which the MnVP cannot provide monitoring.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.4 Screening and Assessment.

- A. An individual seeking admission into the MnVP shall initially be screened by MnVP staff to determine the individual's motivations for entering the alternative program, whether the individual meets admission requirements, and whether the individual is willing to participate.
- B. The individual seeking admission shall submit to a chemical dependency evaluation and ensure said evaluation is provided to MnVP staff. The chemical dependency evaluation may include a complete physical and psychosocial assessment performed by a Board-approved licensed or certified medical, mental health or psychological specialist.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.5 Monitoring Agreements.

- A. The MnVP shall have a written monitoring agreement which the nurse applicant must voluntarily sign upon entering the program. Each monitoring agreement shall bear the signature of the nurse applicant participating in the MnVP and the MnVP manager or the designated MnVP representative.
- B. The monitoring agreement shall address the following areas:
 - 1) The voluntary and non-disciplinary nature of the program.

- 2) The program records that are non-public and have necessary exceptions for disclosure such as to the MSBN members, other state boards and other states' alternative programs regarding the nurse applicant's participation in said alternative program.
 - 3) The dates of the nurse applicant's participation and the expected length of participation.
 - 4) The requirements of drug and alcohol screens, peer support groups, therapeutic meeting attendance and self and supervisory reports.
 - 5) The requirements for work-site monitoring upon return to work.
 - 6) The consequences of relapse and noncompliance with the MnVP monitoring agreement, including dismissal from the MnVP or referral to the MSBN for disciplinary action for noncompliance.
 - 7) The parameters for referral to the MSBN, including the non-public records of program participation that are shared with the MSBN.
 - 8) Definitions of relevant terms such as relapse.
 - 9) Appropriate waivers and releases.
 - 10) The period of monitoring, which shall be two to five years.
- C. The monitoring agreement shall provide that the nurse applicant must:
- 1) Abstain from all alcohol and alcohol-containing products;
 - 2) Abstain from drug use, including over-the-counter medications and otherwise mood-altering substances as indicated within the MnVP participant handbook unless lawfully prescribed with prior approval of the MnVP;
 - 3) Submit to a current evaluation of co-occurring conditions such as psychiatric or medical disorders as indicated;
 - 4) Maintain current state nursing licensure, including meeting any continued competence or continuing education requirements; and
 - 5) Cease nursing practice until or unless approved to continue or return to practice by the treatment professional and the MnVP.
- D. The Nurse Applicant shall execute any releases that MnVP determines necessary to sign for monitoring and consents to information exchange between:
- 1) Employer and the MnVP staff.
 - 2) Healthcare providers and the MnVP staff.
 - 3) The MnVP staff and MSBN.
 - 4) Treatment professionals and the MnVP staff.
 - 5) Other state boards and alternative programs.
- E. The monitoring agreement shall also provide that the nurse applicant agrees to:
- 1) Enter treatment and participate in all treatment recommendations.
 - 2) Provide counselors with the necessary forms to complete and give back to the MnVP.

- 3) Undergo any additional evaluation as requested by the MnVP or treatment provider, including completing substance disorder, dependency or mental health assessment, treatment, continuing care and aftercare.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.6 Recovery Monitoring Requirements. The nurse applicant must:

- A. Attend three (3) peer support meetings per week and submit documentation to the MnVP at least monthly.
- B. Maintain an active and consistent relationship with a sponsor. All active sponsorships require quarterly reports be submitted to MnVP.
- C. Select and provide the contact information for one pharmacy for prescription needs, one health care provider for health care needs and one dentist for dental needs to the MnVP.
- D. Report all medications including prescriptions for mood-altering drugs as well as over-the-counter medications within 24 hours to the MnVP staff and prior to returning to nursing practice.
- E. Notify any and all health care providers of substance use/ abuse history (including MnVP participation) prior to receiving any prescription.
- F. Ensure MnVP receives a written statement from the prescribing provider that confirms the provider's awareness of the nurse applicant's history of substance use/abuse and the nurse applicant's responsibility to confirm any prescription within 24 hours of prescribing.
- G. Initially and quarterly, have providers complete and submit the MnVP medication verification form or submit as otherwise indicated in the MnVP monitoring agreement.
- H. Provide written self-reports to MnVP as specified by the MnVP agreement, at least quarterly.
- I. Submit to random drug and alcohol testing at a minimum of two (2) to three (3) times per month for the first 12 months of participating in the MnVP. Drug and alcohol testing may then be gradually reduced in frequency. Upon return to nursing practice, drug screenings must increase for the first 12 months of clinical practice. Drug and alcohol testing may include body fluid testing, hair testing, saliva or any other valid and reliable methods of testing.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.7 Practice Requirements and Limitations.

- A. The nurse applicant shall limit nursing practice to the State of Mississippi. Permission to work in any other state requires written approval from the MnVP and from the Board of Nursing in the other state where additional licensure is being sought.
- B. If licensed in another state or seeking licensure in another state, the nurse applicant shall authorize the MnVP to release nurse applicant information to any other state of licensure or where seeking application for licensure.
- C. The nurse applicant shall maintain continuous employment as provided in the MnVP monitoring agreement in order to be eligible for successful discharge from the MnVP.
- D. The nurse applicant shall notify and obtain approval from the MnVP of any health care related position or job change prior to making the change or relocating.
- E. The nurse applicant shall abide by return-to-work restrictions and requirements.
- F. The nurse applicant shall abide by all policies, procedures and contracts of employer.
- G. The nurse applicant shall inform all employers or schools of participation in the MnVP and provide a copy of the monitoring agreement, stipulations and/or final orders from the MSBN to any prospective or current nursing position employers. The nurse applicant must ensure written verification is received by the MnVP staff of said notification.
- H. The nurse applicant shall ensure that the supervisor at the place of employment is given a copy of the MnVP monitoring agreement and any other necessary forms.
- I. The nurse applicant shall ensure that the MnVP receives the employer acknowledgment agreement form signed by the nurse's direct supervisor at the place of employment prior to beginning a new or resuming an existing position.
- J. The nurse applicant shall schedule at least monthly check-in meetings with the supervisor at the place of employment for the purpose of addressing any concerns of either party. Documentation of such meetings shall be available to the MnVP staff if requested.
- K. The nurse applicant shall notify the MnVP staff within forty-eight (48) hours of any change in supervisor or employment.
- L. Any exceptions to work restrictions may be approved in writing by the MnVP staff. Approval must be obtained from the MnVP staff prior to any position acceptance, job responsibility change, or other related employment activity.
- M. The nurse applicant shall discontinue access to and administration of controlled substances or any potentially addictive medications for a minimum of six months of returning to work, unless otherwise specified.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.8 Program Notification Requirements.

- A. The monitoring agreement shall provide that the nurse applicant shall:
- 1) Notify the MnVP staff within forty-eight (48) hours if nurse applicant has a disciplinary meeting or employment counseling with employer.
 - 2) Notify the MnVP staff within forty-eight (48) hours of any changes in residency, contact information and for any termination or resignation from employment.
 - 3) Report within twenty-four (24) hours any crimes committed, criminal arrests, citations, or deferred sentences and conviction including a conviction following a plea of nolo contendere.
 - 4) Notify the MnVP staff if a known complaint is filed with the MSBN against the license of the nurse applicant.
 - 5) Report all alcohol or unauthorized substance use regardless of amount or route of administration.
 - 6) Obtain a re-assessment by a MnVP approved licensed addiction counselor in the event of relapse or suspected relapse.
 - 7) Abide by further recommendations in the event of a relapse or suspected relapse as deemed clinically appropriate.
 - 8) Appear for all routinely scheduled meetings and any additional meetings with reasonable notice given by the MnVP staff unless excused.
 - 9) Inform the MnVP staff verbally and in writing of a pending absence out of the state of Mississippi within five (5) working days.
 - 10) Pay all fees and costs associated with being in the MnVP.
- B. By signing the MnVP monitoring agreement the nurse applicant agrees to the following:
- 1) The nurse applicant has had or is having problems with substance use or have a substance use disorder.
 - 2) The nurse applicant has violated the Nurse Practice Law and/or Administrative Code and that any violation of the MnVP monitoring agreement is further grounds for referral to the MSBN.
 - 3) Entry into the MnVP is voluntary, there was an opportunity to seek advice of legal counsel or personal representative and there was opportunity to clarify any terms or conditions that were not understood.
 - 4) The nurse applicant has read and will abide by the terms and conditions of the MnVP monitoring agreement as well as any new policies or procedures received in writing throughout participation in the MnVP.
- C. By signing the MnVP monitoring agreement, the nurse applicant waives all rights to appeal, grievances, complaints or otherwise contest licensure actions arising out of the MnVP participation, and the right to contest the imposition of discipline arising from a breach of the MnVP monitoring agreement.
- D. The identity of nurse applicants and the terms of the monitoring agreement are non-public but may be shared with parties who have an official need to know such as state MSBN members and staff, other state boards, other state's alternative programs and the employers of nurse applicants.

- E. The nurse applicant shall give the supervisor a copy of the monitoring agreement and any other necessary forms prior to beginning a new or resuming an existing position and agrees to notify the program immediately of any change in supervision. Failure to comply will result in an immediate cease and desist of all work-related activities from the MnVP.
- F. Any noncompliance with the monitoring agreement or unsuccessful termination from the program is unprofessional conduct and is in violation of the rules and laws regarding the practice of nursing and may be used to support any future disciplinary actions.
- G. Any violation of a single part or parts of the monitoring agreement by the nurse applicant, unless otherwise declared by the MnVP, does not invalidate the remaining parts of the agreement.
- H. Any unauthorized missed drug or alcohol testing, unless otherwise declared by the MnVP, will be considered non-compliance with the program.
- I. Any confirmed positive drug screen may be considered noncompliance if the MnVP has not received the proper documentation from the prescribing practitioner as required by 1.6(C).
- J. Any confirmed positive drug screen for which the MnVP has not received prior written authorization and confirmation from an approved provider and any drug screen that is confirmed as an adulterated or substituted specimen shall result in the nurse applicant ceasing nursing practice until further evaluation and notification to the nurse applicant's employer. Under such circumstances, receipt of written authorization to return to practice from the MnVP will be required.
- K. Any non-compliance with the terms of the monitoring agreement, including, but not limited to noncompliance with drug and alcohol testing, will result in an increased level of testing, a report to the MSBN while nurse applicant remains in monitoring, and the nurse applicant may be discharged from the MnVP.
- L. Any non-compliance with any of the terms of the MnVP monitoring agreement in any respect may require the nurse applicant to cease practice, notify the nurse applicant's supervisor and may result in the length and terms of the agreement being extended and modified.
- M. If discharged from the MnVP for non-compliance or referred to the MSBN for non-compliance, the MSBN may use any misconduct that may have occurred while enrolled in the MnVP in subsequent disciplinary proceedings, and the MSBN may obtain complete records of participation in the MnVP.
- N. The monitoring agreement does not preclude the MnVP staff from initiating or taking appropriate action regarding any other misconduct not covered by the MnVP agreement. Such misconduct will include reporting the offense to the MSBN for appropriate action.

Source: Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.9 Standards for Treatment Programs.

- A. Treatment programs that meet the standards set forth in this rule shall be approved by the MnVP staff for use by nurse applicants.
- B. The minimum standards for approved treatment providers include:
 - 1) Licensure by the state of Mississippi.
 - 2) A geographically convenient location for treatment.
 - 3) Family involvement in the treatment where clinically recommended.
 - 4) Encouragement of peer support.
 - 5) Requirement of frequent random and for-cause drug screening with positive results immediately reported to the MnVP staff.
 - 6) Development of an individualized initial treatment plan to meet the specific needs of the nurse applicant, based on a Board approved evaluation.
 - 7) Providing information to the MnVP staff on the status of referred patients after appropriate consents to release information are obtained including immediate reports on significant events that occur in treatment that are related to the nurse applicant's ability to practice safely. Information that needs to be communicated includes assessments, diagnosis, prognosis, discharge summary, follow-up recommendations and compliance with treatment.

Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.10 Return to Work.

- A. Upon entry into the MnVP, the nurse applicant agrees to cease the practice of nursing until the employer acknowledgment form is approved by MnVP staff.
- B. In order to ensure patient safety, the nurse applicant's practice must be monitored through the following:
 - 1) The nurse applicant's supervisor must be identified in the nurse applicant's employer acknowledgment form.
 - 2) Supervisors shall be licensed in the state of Mississippi, shall not have an encumbered license, shall not be a current nurse applicant in any alternative program and shall avoid any conflicts of interest that could impede the ability to objectively monitor the nurse.
 - 3) Supervisors who are approved by the MnVP and who have assumed responsibility for overseeing the nurse applicant's practice must be available to intervene if there is a concern or an incident involving the nurse applicant.

- 4) Supervisors must be knowledgeable of the nurse applicant's nursing role and the nurse applicant's participation in the MnVP including having knowledge of the nurse's monitoring agreement and any associated practice restrictions.
 - 5) Supervisors must provide to the MnVP staff regular and as-needed reports on the nurse applicant's ability to practice safely.
 - 6) Supervisors and MnVP staff must have continuous and ongoing communication to ensure the nurse applicant's compliance with the agreement and workplace policies and procedures.
 - 7) There shall be periodic face-to-face visits with the nurse applicant and supervisor.
 - 8) Nurse employers must make reasonable accommodations for nurses with a substance use disorder under the Americans with Disabilities Act of 1990.
 - 9) Supervisors shall have the authority to request a for-cause specimen for drug testing when warranted or when requested by the MnVP.
- C. Unless otherwise approved by the MnVP, the nurse applicant is prohibited from the following for a minimum of twelve (12) months:
- 1) Practice without supervision.
 - 2) Practice in a home health or hospice type of setting; travel, registry or agency; or other unsupervised nursing position.
- D. If relapse, diversion or other violations of work-related requirements occur, the MnVP will require the nurse applicant to immediately cease practice and the MnVP staff will notify the nurse applicant's employer and the MSBN.
- E. The MnVP staff will continue to monitor the nurse applicant even after referring the nurse applicant to the MSBN until the MSBN can begin monitoring or pending board action.

Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.11 Program Completion. A nurse applicant successfully completes the MnVP when the MnVP staff finds the nurse applicant has complied with all terms and conditions of the program as specified in Part 2826.

Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).

Rule 1.12 Termination from the MnVP. Participation in the MnVP may be terminated for any of the following reasons:

- A. The nurse applicant fails to comply with any of the terms and conditions of the program specified in Part 2826.

- B. The nurse applicant fails to comply with any provision of the nurse applicant's monitoring agreement with MnVP and/or employer agreement.
- C. The nurse applicant is unable to practice according to acceptable and prevailing standards of safe care.
- D. The program receives information that indicates that the nurse applicant may have committed additional violations on the grounds for disciplinary action or the provisions of Part 2826 as prescribed by the Mississippi Nursing Practice Law and/or the Mississippi Administrative Code.
- E. The nurse applicant receives a criminal conviction.

Miss. Code Ann. §§ 73-15-17, 73-15-29 (2)(5) (1972, as amended).