

## **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: The 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 of abuse 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 Form: A form required from nurse applicant disclosing any medications currently taking.
- I. MnVP: The Mississippi Nurse Voluntary Program.
- J. Nurse Applicant: A nurse who is eligible to apply to or has been accepted into the MnVP program.
- K. Return-to-work Agreement: A required agreement between the nurse applicant and Supervisor incorporated within nurse applicant’s MnVP contract.

- L. Self-Reports: A report completed by nurse applicant of his or her own symptoms, behaviors, beliefs and/or attitudes of the nurse applicant's continued sobriety and recovery recommendations.
- M. Supervisor: Employer or Employer designee.
- N. Twelve (12) 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 Contractual agreement into the MnVP program 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 nurses' overall health and wellbeing.
- E. Be transparent and accountable to the public by providing non-confidential information about the MnVP program to public, which also 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 program 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 program if he or she meets the following eligibility criteria:

- A. Is an APRN, RN, or LPN in the State of Mississippi.
- B. Requests admission in writing.
- C. Admits to substance use disorder in writing.
- D. Admission into the MnVP program shall be determined by the eligibility committee 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 such as diverting drugs by replacing the drug with another drug; or
  - 4) Is not eligible for licensure in the State of Mississippi.
- F. Admission to the MnVP program 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;
  - 4) Has been discharged or terminated from the same or any other alternative program for non-compliance;
  - 5) Is on medication-assisted treatment or therapy; or
  - 6) For other circumstances in which the MnVP program 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 program shall initially be screened by MnVP staff to determine the person's motivations for entering the alternative program and whether the person meets admission requirements and 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 Contracts.*

- A. The MnVP program shall have a written contract, which the nurse applicant must sign voluntarily upon entering the program. Each contract shall bear the witnessed signature of the nurse applicant participating in the MnVP program and the MnVP program coordinator or designated representative.
- B. The contract 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, 12-step, support, 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 program contract including a dismissal from the MnVP program or referral to the MSBN for disciplinary action because of noncompliance with the MnVP's contract requirements.
  - 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 contract 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 program;
  - 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 and agree to inactivate his or her license until or unless approved to continue or return to practice by the treatment professional and the MnVP program.
- 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 program.
  - 2) Healthcare providers and the MnVP program.
  - 3) The MnVP program and MSBN.
  - 4) Treatment professionals and the MnVP program.
  - 5) Other state boards and alternative programs.
- E. The contract 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 program.

- 3) Undergo any additional evaluation as requested by the MnVP program 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 12-step or other approved self-help meetings per week and one (1) peer support group per week and submit documentation to the MnVP program at least monthly.
- B. Maintain an active and consistent relationship with a sponsor.
- 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 program.
- D. Report all medications including prescriptions for mood-altering drugs as well as over-the-counter medications within 24 hours to the MnVP program 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. Have providers complete MnVP medication verification forms and MnVP medication logs and submit quarterly to the MnVP Program or as otherwise indicated in the MnVP contract.
- H. Submit medication forms quarterly.
- I. Provide written self-reports to MnVP as specified by the MnVP program, at least monthly.
- J. 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 program. 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 method 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 program and the MSBN in both states.
- B. If licensed in another state or seeking licensure in another state, the nurse applicant shall authorize the MnVP program 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 contract in order to be eligible for successful discharge from the MnVP program.
- D. The nurse applicant shall notify and obtain approval from the MnVP program 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 program and provide a copy of the contract, stipulations or final orders from the MSBN to any prospective or current nursing position employers and ensure written verification is received by the MnVP program of said notification.
- H. The nurse applicant shall ensure that the supervisor at the place of employment is given a copy of the MnVP contract and any other necessary forms.
- I. The nurse applicant shall ensure that the MnVP program receives the MnVP employer notification form signed by the 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 program staff if requested.
- K. The nurse applicant shall notify the MnVP program 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 program. Approval must be obtained from the MnVP program 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. However, the nurse applicant may be allowed to access and to administer controlled substances upon returning to work if nurse applicant can demonstrate that monitoring of controlled substance access and administration can be validated.

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

*Rule 1.8 Program Notification Requirements.*

- A. The contract shall provide that the nurse applicant shall:
  - 1) Notify the MnVP program within forty-eight (48) hours if nurse applicant has a disciplinary meeting or employment counseling with employer.
  - 2) Notify the MnVP program 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 program 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 in person for all routinely scheduled interviews and any additional interviews with reasonable notice given by the MnVP program unless excused.
  - 9) Inform the MnVP program staff verbally and in writing of a pending absence out of the state of Mississippi within forty-eight (48) hours.
  - 10) Pay all fees and costs associated with being in the MnVP program.
- B. By signing the MnVP contract the nurse applicant agrees to the following:
  - 1) He or she has had or is having problems with substance use or have a substance use disorder.
  - 2) He or she has violated the Nurse Practice Law and/or Administrative Code and that any violation of the MnVP contract is further grounds for referral to the MSBN.
  - 3) Entry into the MnVP program 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) He or she has read and will abide by the terms and conditions of the MnVP program as well as any new policies or procedures received in writing throughout participation in the MnVP program.
- C. By signing the MnVP contract, the nurse applicant waives all rights to appeal, grievances, complaints or otherwise contest licensure actions arising out of the MnVP program participation, and the right to contest the imposition of discipline arising from a breach of the MnVP contract.
- D. The identity of nurse applicants and the terms of the contract 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 nurse applicant's employers.

- E. The nurse applicant shall give the supervisor a copy of the contract 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 program.
- F. Any noncompliance with the contract 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 contract by the nurse applicant, unless otherwise declared by the MnVP program, does not invalidate the remaining parts of the contract.
- H. Any unauthorized missed drug or alcohol testing, unless otherwise declared by the MnVP program, will be considered non-compliance with the MnVP program.
- I. Any confirmed positive drug screen may be considered noncompliance if the MnVP program 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 program 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 receipt of written authorization to return to practice from the MnVP program.
- K. In the event of any non-compliance with the terms of the contract, 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 program.
- L. In the event of any non-compliance with any of the terms of the contract in any respect, the MnVP program may require the nurse applicant to cease practice, notify the nurse applicant's supervisor and the length and terms of this contract may be extended and modified.
- M. If discharged from the MnVP program 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 program in disciplinary proceedings, and the MSBN may obtain complete records of participation in the MnVP program.
- N. The contract does not preclude the MnVP program from initiating or taking appropriate action regarding any other misconduct not covered by the MnVP contract. 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 program 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 to encourage the participation of family members in the nurse applicant's primary treatment.
  - 3) Family involvement in the treatment.
  - 4) Adherence to an abstinence-based program.
  - 5) Adherence to a 12-step philosophy.
  - 6) Requirement of frequent random and for-cause drug screening with positive results immediately reported to the MnVP program.
  - 7) Development of an individualized initial treatment and a minimum 12-month aftercare program to meet the specific needs of the nurse applicant, based on a Board approved evaluation.
  - 8) Providing information to the MnVP program 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 program, the nurse applicant agrees that his or her license will be placed on inactive status until return to work is approved by the MnVP program.
- 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 return-to-work agreement.
  - 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 program 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 in the MnVP program including the nurse's return-to-work agreement and any associated practice restrictions.
  - 5) Supervisors must provide to the MnVP program regular and as-needed reports on the nurse applicant's ability to practice safely.
  - 6) Supervisors and MnVP program 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 program.
- C. Unless otherwise approved by the MnVP program, the nurse applicant is prohibited from the following for a minimum of twelve (12) months:
- 1) Practice without indirect supervision.
  - 2) Limited or full access to controlled substances.
  - 3) 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 the work-related requirements occur, the MnVP program will require the nurse applicant to immediately cease practice and the MnVP program will notify the employer and the MSBN.
- E. The MnVP program 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 program when the MnVP program 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 Program.* Participation in the MnVP program 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 this Part.

- B. The nurse applicant fails to comply with any provision of the nurse applicant's MnVP contract 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 this Part 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).