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Recognizing Impairment in the Workplace

Kevin Glennon, RN, BSN, CDMS, CWCP, QRP
Vice President - Clinical Programs
Home Health & Complex Care Services

PRESENTED
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Objectives

At the end of this presentation the participants will;

- ❖ Be able to identify the signs of impairment in the workplace
- ❖ List employer initiatives to promote safety and provide assistance
- ❖ Understand the essential steps to make a report or referral of an impaired nurse
- ❖ Review and discuss the mandatory reporting law, (section 464.018, F.S.)
- ❖ Discuss treatment programs for impaired practitioners, (section 456.076, F.S.)
 - (Rulemaking Authority 464.013(3) FS Law Implemented 464.013(3)FS History-New 11-5-15)

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Impairment

- ❖ Impairment occurs when a nurse is unable to provide safe patient care
 - ❖ Use of a mood/mind altering substance
 - ❖ Having a physical condition or distorted thought process from a psychological condition
- ❖ Due to one of these conditions the nurse is unable to perform their professional responsibilities and duties consistent with nursing standards



Intervention Project for Nurses, 2015

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Shocking Statistics

It is estimated that;

- ❖ 10-15% of all nurses may be actively impaired or in recovery from drug or alcohol addiction (Thomas & Shea, 2011)
- ❖ 29% of full time workers engage in binge drinking
- ❖ 8% engage in heavy drinking
- ❖ 8% have used illicit drugs in the past month (Luby-Merrick, Volpe-Vartanian, Horgan, & McCann, 2007)

Substance abuse is seen in all areas of nursing

- ❖ Most prevalent in
 - ❖ Intensive care unit
 - ❖ Post-anesthesia unit
 - ❖ Emergency department (Anglin, Bellizzi-Angius, & Gross, 2010)



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Signs of Impairment

- ❖ Some impaired nurses will function well
- ❖ Some may provide poor patient care
- ❖ May make medication errors and/or divert controlled substances from a patient

In addition to poor work performance, there is the potential for damage to the nurse's health

- ❖ Substance abuse can lead to mental illness, cardiovascular disease, hypertension, liver disease, hepatitis, HIV, traumatic injuries and possible death from an accidental overdose



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The Impaired Nurse May be Difficult to Detect

- ❖ Substance abuse comes in many forms
- ❖ Medications frequently abused by nurses include:
 - ❖ Alcohol
 - ❖ Benzodiazepines
 - ❖ Cocaine
 - ❖ Methamphetamines
 - ❖ Marijuana
 - ❖ Narcotics
 - ❖ Sleeping pills
 - ❖ Heroin
 - ❖ Ecstasy
 - ❖ Stimulants



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According to the Nurse Practice Act (NPA)

- ❖ The Florida Nurse Practice Act, 464.018 - Disciplinary actions
- ❖ These activities include:
 - ❖ Sale, distribution, or possession of a controlled substance
 - ❖ Not being able to perform nursing duties with reasonable skill and safety due to illness or use of alcohol, drugs, narcotics or chemicals or any other type of material or as a result of any mental or physical condition
 - ❖ Probable cause must exist to believe that the nurse is not able to practice nursing due to the impairment. The suspected impaired nurse has to submit to a mental or physical examination to a physician and this can be enforced by the circuit court after a petition is filed
 - ❖ The accused nurse is given an opportunity to show he/she can resume competent nursing practice at reasonable intervals
 - ❖ The board should not reinstate the license of a nurse who the board has found guilty on three different instances for violations for using drugs or narcotics when the offense included drug or narcotic diversion from the patient to the nurse

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Signs and symptoms suggestive of substance abuse include

<ul style="list-style-type: none"> ❖ Medication & documentation errors ❖ Poor work quality ❖ Leaving work early or arriving late ❖ Difficulty meeting deadlines or schedules ❖ Excessive use of sick time ❖ Poor charting ❖ Many mistakes ❖ Absences from the unit ❖ Mood changes after break/lunch ❖ Rounding at odd times ❖ Suspicious attitude towards others ❖ Large number of wasted narcotics 	<ul style="list-style-type: none"> ❖ Not performing narcotic counts ❖ Frequent report of patients not getting adequate pain relief ❖ Maximal use of prn medications for patients ❖ Offering to medicate other nurses patients ❖ Obsession with narcotics or Pyxis machine ❖ Discrepancy between narcotic record and patient record ❖ Altered orders ❖ Unexplained need for money ❖ Dishonesty ❖ Increased narcotic sign outs
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Physical signs that should increase suspicion

<ul style="list-style-type: none"> ❖ Slurred speech ❖ Watery eyes ❖ Constricted or dilated pupils ❖ Shakiness/tremors ❖ Unsteady gait ❖ Sleepiness ❖ Frequent runny nose ❖ Sweating ❖ Fatigue ❖ Diminished alertness ❖ Weight loss or gain ❖ Change in appearance ❖ Frequent use of gum, mints or mouthwash ❖ Frequent nausea, vomiting or diarrhea 	<ul style="list-style-type: none"> ❖ Poor concentration ❖ Outbursts of anger ❖ Mood changes ❖ Wearing long-sleeves when not appropriate ❖ Lying ❖ Denial ❖ Insomnia ❖ Isolation ❖ Defensiveness ❖ Poor judgement ❖ Hypo or hyper activity ❖ Frequent accidents
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Employer Initiatives to Promote Safety and Provide Assistance


Nurses lack education regarding the addiction process, how to identify those with addiction and how to implement effective interventions

It is important that nurses receive education about substance use disorders. Employers can have significant impact in improving the nurse's knowledge and attitude toward substance abuse



Employers should implement strategies to promote safety and provide assistance

Guidelines should be developed to promote safety for nurses and their patients and offer assistance to nurses who suffer with substance abuse or other conditions that lead to impairment



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Employer Initiatives to Promote Safety and Provide Assistance

- ❖ Policy should be a drug free work place and having all nurses fit to practice
- ❖ Practices that will reduce the risk of impaired nurses on the worksite include:
 - ❖ pre-employment drug testing
 - ❖ for cause testing (testing when there is logical suspicion that the employee is under the influence of drugs while working)
 - ❖ fitness to practice evaluations



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Employer Initiatives to Promote Safety and Provide Assistance

- ❖ The workplace should promote a culture of transparency and consist of clear expectations and consequences
- ❖ It should be clear that there is openness to help the nurse with a substance abuse problem or other condition that leads to impairment
- ❖ Employers may influence employees to get help for impairment
- ❖ Employee assistance programs (EAP) may include
 - ❖ Health promotion
 - ❖ Education
 - ❖ Referral to alcohol or other drug abuse treatment if needed
 - ❖ These programs look to quickly identify problems and intervene early
- ❖ The primary goal of an EAP is to help employees maintain their job and career

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Employee Assistance Programs (EAP)

- ❖ US Department of Labor reports that 5 to 16 dollars are saved for every dollar spent in an EAP
- ❖ This is done through;
 - ❖ A 75% reduction in inpatient substance abuse and alcohol treatment programs
 - ❖ A 65% reduction in accidents occurring on the worksite
 - ❖ A 66% reduction in absenteeism related to alcohol abuse
 - ❖ A 30% reduction in workers compensation claims
- ❖ While not illegal to drink alcohol, the effect of drinking off the job can adversely effect job performance
- ❖ Hangovers increase the risk of bad judgement, injuries, impair motor or cognitive function and reduce work productivity (Rosen & Blum, 2002)
- ❖ The ideal way to address off the job drinking is through alcohol educations programs at work through EAP

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Employer Initiatives

- ❖ Alcohol education programs also have the potential to teach workers to identify an impaired co-worker
- ❖ A co-worker is more likely to identify problem behaviors before a supervisor notices
- ❖ Drinking and drug use can affect health
 - ❖ Teaching employees about healthy alternatives has the potential to change behaviors
 - ❖ Engaging in exercise, adapting a healthy diet or participating in a stress management program may reduce drug or alcohol use
- ❖ Risk factors in the work environment for alcohol and drug use include:
 - ❖ Stress, alienation, and a culture of drinking within the organization (Rosen & Blum, 2002)
- ❖ Chronic work stress, large number of hours worked, unhealthy work conditions and poor workplace safety is linked to alcohol related problems (International Center for Alcohol Policies, 2015)

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Employer Initiatives

- ❖ The employer has a responsibility to determine if risk factors are present within the work environment and attempt to modify the environment to reduce the risk of alcohol or drug use
- ❖ Employers may resist intervention programs for multiple reasons including
 - ❖ Concern that reducing alcohol problems will be costly and only benefit the individual and not the employer
 - ❖ A concern that preventions programs may suggest the employer is contributing to drug and alcohol abuse
 - ❖ Concern that those treating alcohol or drug use will not have the workplace's best interest in mind and will be unreasonable, costly and impede work productivity
- ❖ Of worksites with over 100 employees, 66% have EAP programs and 95% of Fortune 500 firms have similar programs (Lary-Merrick, Volpe-Vartanian, Torpey, & McGuire, 2007)

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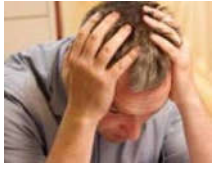

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EAP Programs are not just for alcohol and substance abuse

- ❖ Many EAP Programs provide assistance with
 - ❖ Mental health issues
 - ❖ Marital problems
 - ❖ Parenting problems
 - ❖ Financial problems
 - ❖ Legal issues
 - ❖ Balancing life and work
- ❖ Employees often will not get involved with EAP
 - ❖ Often feel their problems will not be held in confidence
 - ❖ Feel shameful for looking for help
 - ❖ Fear that they need permission from their boss
 - ❖ Many do not even know that the programs exist


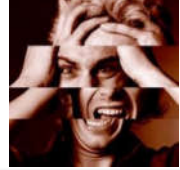
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Impairment from Mental Illness

- ❖ Determining impairment from mental illness is extremely difficult
- ❖ The Nurses Work Functioning Questionnaire has been developed to determine if there is impairment from common mental illnesses
 - ❖ 50 question survey that had been determined to be highly reliable and valid
 - ❖ Survey includes seven subscales that predict the exact aspect of impairment and helps in determining interventions to help the impaired NURSE (Gardner, Neuwirth-Jones, vanDy, & Butler, 2011)


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Making a Report or Referral

- ❖ Before you can make a report you must
 - ❖ Be able to recognize the signs and symptoms of impairment
 - ❖ Be educated in substance abuse
 - ❖ Not fear retaliation
 - ❖ Be comfortable approaching your nurse manager with your suspicions
 - ❖ Be familiar with your work place policies
 - ❖ Never enable a fellow nurse
 - ❖ Not ignore poor performance or accept excuses
 - ❖ Understand it is your ethical duty to report any suspected substance abusing nurse




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- ❖ Any person who suspects a nurse is impaired must report the nurse to the
 - ❖ Interventional Project for Nurses (IPN)
 - ❖ Florida Department of Health
- ❖ To make a referral
 - ❖ Call the IPN 1-800-840-2720





The Intervention Project for Nurses (IPN) is meant to enhance public health and improve safety by offering an opportunity for quick intervention/close monitoring and support for nurses whose practice may be weakened from the use, misuse or abuse of alcohol or drugs or a mental/physical condition (Florida Nurse Practice Act, Chapter 455.261).

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- ❖ Any nurse who cannot safely practice due to impairment is in violation of the nurse practice act
- ❖ The IPN is to provide rehabilitation for impaired nurses
 - ❖ It is non-punitive and confidential
 - ❖ The goal is to keep nurses practicing versus losing their license
 - ❖ Allows for early intervention and expedited enrollment
 - ❖ The nurse may need to immediately stop practicing
 - ❖ Does not return to practice until the IPN assures they are safe to return
 - ❖ Offers a cost effective method to the disciplinary process

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Section 464.018, F.S. Disciplinary Actions

- ❖ (i) Engaging or attempting to engage in the possession, sale, or distribution of controlled substances as set forth in chapter 893, for any other than legitimate purposes authorized by this part.
- ❖ (j) Being unable to practice nursing with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, or chemicals or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, the department shall have, upon a finding of the State Surgeon General or the State Surgeon General's designee that probable cause exists to believe that the licensee is unable to practice nursing because of the reasons stated in this paragraph, the authority to issue an order to compel a licensee to submit to a mental or physical examination by physicians designated by the department. If the licensee refuses to comply with such order, the department's order directing such examination may be enforced by filing a petition for enforcement in the circuit court where the licensee resides or does business. The licensee against whom the petition is filed shall not be named or identified by initials in any public court records or documents, and the proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A nurse affected by the provisions of this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of nursing with reasonable skill and safety to patients.
- ❖ (k) Failing to report to the department any person who the licensee knows is in violation of this part or of the rules of the department or the board; however, if the licensee verifies that such person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required to report such person only to an impaired professionals consultant.

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Who may make a report to the Intervention Project for Nurses (IPN)?



- Any person suspecting impairment of a nurse's ability to provide safe nursing care may report this nurse to IPN and/or the DOH. Under Florida's Mandatory Reporting Law, all licensed nurses must report any suspected impairment in practice to IPN and/or the DOH

Will a nurse still be able to practice nursing while participating in the Intervention Project for Nurses (IPN)?

- Initially, the nurse may be required to refrain from nursing practice during the evaluation phase and any resulting treatment. The nurse may resume nursing practice when given authorization to do so by IPN. The approval for a return to nursing practice is based upon recommendations from approved treatment providers in consultation with IPN staff. Practice limitations are often required during the early phase of return to practice.

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Will participation in the Intervention Project for Nurses (IPN) protect my nursing license from discipline by the Florida Board of Nursing?

- Being unable to practice nursing safely due to use of drugs, alcohol, chemicals, a mental condition, or the possession or distribution of controlled drugs for other than legitimate purposes is a violation of the Nurse Practice Act that can result in disciplinary action taken against a nurse's license by the Florida Board of Nursing. If the nurse has been reported only to IPN, he/she agrees to participate in IPN, and **successfully completes IPN**, the file is closed and **held in confidence** with no disciplinary action resulting. If the nurse is reported only to IPN, and does not agree to participate, or does not successfully complete IPN, then the information in IPN's possession is forwarded to the DOH, and may result in disciplinary action, if deemed appropriate. In some cases, the nurse is reported both to IPN and the DOH and in those cases, the disciplinary process proceeds and may result in disciplinary action.

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Why should a nurse choose to participate in IPN?

- The IPN staff can assist the nurse in obtaining appropriate treatment, continuing care, and ongoing support. If the nurse has violated the Nurse Practice Act, IPN participation is an alternative to disciplinary action by the Florida Board of Nursing. If the nurse is already involved in the disciplinary action process through the DOH, an IPN representative will be present. When that nurse's case is heard before the Florida Board of Nursing, IPN can confirm that the nurse is engaged in the recovery process.



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❖ Does IPN provide evaluation and/or treatment for nurses?

- ❖ IPN does not provide the evaluation and/or treatment required, but does provide referrals to Board-approved Addictionist, Psychiatrist, and/or other treatment professionals. These Addictionists, Psychiatrists, and/or treatment providers are located throughout the State of Florida and referrals will be made to a provider geographically closest to the nurse's place of residence.

❖ What are the costs/fees for IPN participation?

- ❖ Unlike some of the other professional alternative to discipline programs, IPN does not charge a fee for participation. The nurse is responsible to pay for the cost of all evaluations and/or treatment that may be required. For those nurses who are required to submit to random drug testing, they are responsible for the cost of all laboratory testing that is performed.

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❖ The IPN offers multiple benefits including:

- ❖ Implementation of an IPN contract
- ❖ Evaluations on progress
- ❖ Suitable referrals
- ❖ Random urine drug screens
- ❖ Recovery support
- ❖ Monitoring
- ❖ Support groups
- ❖ Relapse prevention groups
- ❖ Determines fitness to practice




❖ The IPN determines fitness to practice by assessing the nurse's judgment, problem-solving abilities, stability in recovery, support systems, decision making capacity, coping ability and cognitive function (Smith, 2013).

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Section 456.076, F.S.- Treatment Programs for Impaired Practitioners

- ❖ For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved impaired practitioner programs under this section.
- ❖ The department may adopt rules setting forth appropriate criteria for approval of treatment providers.
- ❖ The rules may specify the manner in which the consultant, retained as set forth in subsection (2), works with the department in intervention, requirements for evaluating and treating a professional, requirements for continued care of impaired professionals by approved treatment providers, continued monitoring by the consultant of the care provided by approved treatment providers regarding the professionals under their care, and requirements related to the consultant's expulsion of professionals from the program.
- ❖ <https://m.flsenate.gov/Statutes/456.076>

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