

ARKANSAS STATE BOARD OF NURSING RULES

**CHAPTER TEN
ALTERNATIVE TO DISCIPLINE**

**SECTION I
QUALIFICATIONS FOR ADMISSION**

In order to be eligible for admission to the ATD program the licensee or applicant for licensure shall:

- A. Hold an Arkansas nursing license or be eligible for licensure;
- B. Otherwise be eligible for continued licensure under the Arkansas *Nurse Practice Act*;
- C. Acknowledge a drug or alcohol abuse problem or addiction; and
- D. Voluntarily request participation in the ATD program.
- E. A participant may transfer from another state's alternative program if it is substantively similar and approved by the ATD program director.

HISTORY: Adopted: January 1, 2018
Amended: July 1, 2020

**SECTION II
DENIAL TO PROGRAM**

Licensees or applicants for licensure will be denied participation in the ATD program if they:

- A. Do not meet the qualifications listed in Section I;
- B. Diverted controlled substances for reasons other than self-administration;
- C. Engaged in behaviors resulting in patient harm;
- D. Have prior discipline by any board of nursing for substance abuse or diversion; or
- E. Demonstrated unsuccessful participation resulting in termination from the Arkansas ATD program or similar program offered in another jurisdiction.

HISTORY: Adopted: January 1, 2018

**SECTION III
REQUIREMENTS FOR PARTICIPATION**

The participant shall:

- A. Agree to immediately place licensure on inactive status;
- B. Complete an in-depth psychological and addictive evaluation by a Board approved evaluator;
- C. Agree to complete all treatment recommendations, if any, of the evaluator;
- D. Admit, in writing, to violation of the Arkansas *Nurse Practice Act*;
- E. Enter into an ATD program contract;
- F. Execute any release necessary to give the ATD program director access to records, including but not limited to medical, employment and criminal records; and
- G. Agree to not practice nursing without written authorization from the ATD program director.

HISTORY: Adopted: January 1, 2018

**SECTION IV
STANDARDS FOR APPROVED EVALUATORS
AND TREATMENT PROVIDERS**

- A. Board approved evaluators shall meet the following standards:
 - 1. Be a physician, psychiatrist, psychologist, or mental health certified Advanced Practice Registered Nurse who is engaged in the treatment of substance use disorder, including alcohol;
 - 2. Demonstrate the ability to perform an examination to include a detailed history with the appropriate testing i.e. drug screens and other psychological testing as indicated;

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3. Cooperate and communicate with the ATD program director; and
 4. Submit evaluation reports according to Board approved criteria.
- B. Board approved treatment providers shall meet the following standards:
1. Provide outpatient and/or inpatient treatment;
 2. Cooperate and communicate with the ATD program director;
 3. Submit individualized written plan of care to include, but not limited to, assessment, diagnosis, treatment goals, discharge criteria, and recommendations for continuing recovery; and
 4. Meet all regulatory requirements in their respective state.

HISTORY: Adopted: January 1, 2018

SECTION V DISCHARGE FROM PROGRAM

- A. A participant shall be discharged from the ATD program upon:
1. Successful completion of all terms and conditions of the ATD program contract; or
 2. Demonstration of noncompliance with the terms and conditions of the contract.
- B. If discharged from the ATD program for noncompliance, the licensee shall immediately surrender their licensure, accept a consent agreement, or be scheduled for a Board hearing.
- C. Participation in the ATD program does not preclude the Board from commencing any disciplinary action against a participant who is discharged from the ATD program or receives additional complaint(s).
- D. A participant may transfer to another state's alternative program if it is substantively similar and approved by the Arkansas ATD program director.
- E. If the participant voluntarily withdraws from the program, he/she shall immediately surrender his/her nursing licensure.

HISTORY: Adopted: January 1, 2018

SECTION VI REPORTING TO THE BOARD

The ATD program director shall make the following information available to the board:

- A. Names and results of any contact or investigation regarding an impaired nurse who is believed to be a danger to the public;
- B. Names of participants who:
1. Fail to comply with the terms and conditions of the contract;
 2. Refuse to cooperate with the ATD program director; or
 3. Voluntarily withdraw or involuntarily discharge from the program;
- C. An annual evaluation of the program; and
- D. Other information and data as requested by the Board.

HISTORY: Adopted: January 1, 2018