



MONITORING PROGRAM – JULY 2020 Report
4th Quarter 2020 Fiscal Year (Board) / 2nd Quarter 2020 (WPAP)

March 23, 2020 – June 24, 2020

By: Victoria J. Pike, RN, JD

Following are statistics of the Monitoring Program (MP) broken down into primary monitoring type: licensee/certificate holders, who are required, by order of the Wyoming State Board of Nursing (Board), to participate in professional monitoring.

I. Current Monitoring Program Statistics as of June 24, 2020

WSBN is a contracting Board with Wyoming Professional Assistance Program (WPAP). WPAP's Quarterly Report is attached.

There are currently a total of **forty (40)** licensees/certificate holders being monitored pursuant to a Board Order. This includes licensees who are being monitored by WPAP. The following is a breakdown by type of monitoring and type of licensure/certification.

A. Substance Use Disorder Monitoring:

Substance Use Disorder (SUD) monitoring generally requires participants to: complete random drug screening; attend 12-step/peer group meetings; complete education/training; have work site monitors; provide monthly self-reports; and, complete substance abuse/psychiatric evaluations.

There are a total of **twenty-seven (27)** SUD participants, including "unknown to the Board" participants:

CNA: 4	RN: 17
LPN: 4	APRN: 2

B. Educational Monitoring

Educational monitoring requires participants to complete training/course work in a particular area of nursing.

There are **six (6)** education monitoring participants:

CNA: 2	RN: 3
LPN: 0	APRN: 1

C. Mental Health Monitoring, including Boundary Issues

Mental Health monitoring requires participants complete on-going mental health evaluations. Typically, participants must have periodic reports submitted by their mental health provider summarizing status and treatment progress. In addition, participants must have work site monitors in place to submit monthly reports on work progress and performance.

There are **zero (0)** mental health/boundary issue participants.

D. Peer Review Monitoring

Peer Review monitoring requires participants establish a Board approved peer review committee in accordance with various applicable organizational standards. The peer review committee reviews a specified number of charts/medical records as set forth in the Board's order, and submits a report summarizing the analysis and review to the NMP / Board.

There is **one (1)** peer review participants:

CNA: 0	RN: 0
LPN: 0	APRN: 1

E. Worksite Practice Monitoring

Worksite practice monitoring requires participants to have a monitor at his/her place of employment, in the nursing field, who reviews and evaluates the participant's nursing practice. Review can include: periodic review of patient charts by the practice monitor, weekly meetings and completion of chart review forms/reports on participant's nursing practice.

There are **seven (7)** worksite practice monitor participants:

CNA: 0	RN: 5
LPN: 1	APRN: 1

II. Reinstatement Applications

Between March 23, 2020 and June 24, 2020, one **(1)** reinstatement applications have been received, considered and approved by the Board:

CNA: 0 Applicants	RN: 1 Applicants
LPN: 1 Applicants	APRN: 0 Applicants

Zero (0) Applicants were reinstated with conditions/restrictions and are currently being monitored. **Two (2)** Applicants are pending approval of his/her reinstatement request by the Board. If approved, the Applicant will be reinstated with conditions requiring professional monitoring by WPAP.

III. Monitoring Program – WPAP 2nd Quarter 2020 / WSBN 4th Quarter Fiscal Year 2020

See WPAP Report.

A. Enrollment: Of the participants identified on the WPAP compliance detail, **three (3)** were enrolled during this Quarter, including **one (1)** participant, who is “unknown” to the Board, meaning that individual enrolled on their own and is not participating pursuant to a Board Order.

B. Discipline: **Seven (7)** participants have received either a Level II or Level III Noncompliance during this Quarter.

CNA: 2	RN: 4
LPN: 1	APRN: 0

One (1) of the seven (7) participants received both, Level II and Level III Noncompliance(s) this Quarter.

Three (3) of the seven (7) participants received only Level III Noncompliance notices. Of these three (3) participants, **one (1)** has received multiple Level III Noncompliances and is on the July Docket for recommended Revocation.

Four (4) of the nine participants received only Level II Noncompliance notices.

C. Recidivism: In the 4th Quarter Fiscal Year 2020, a total of **zero (0)** licensees/certificate holders have an active discipline matter, following reinstatement.

Board Staff has received **NO** new complaints against licensee(s), who was/were formerly enrolled in the Monitoring Program.

D. Updates: WSBN referred **twenty (20)** individuals to WPAP.

Intakes completed: 5	Evaluations completed: 5
Intakes pending: 1	Evaluations pending: 7
Intake on hold: 0 (not required until employed)	Confidential Consultations: 2

Policy Change: WPAP's Board recently approved a Medication Assisted Treatment (MAT) Policy, which addresses treatment of alcohol and substance use disorders. Specifically, WPAP supports the use of opioid antagonist therapy, such as Naltrexone or Vivitrol, but NOT the use of Suboxone/Buprenorphine or other controlled substances, as treatment for these disorders. It is WPAP's position that individuals utilizing MAT with Methadone or Suboxone/Buprenorphine should not work in his/her licensed profession. The Policy is attached for the Board's review. This Policy affects three (3) participants in the program; however, none of the three are currently working in their licensed profession at this time. WPAP plans to inform these participants and offer them the opportunity to speak with the Medical Director regarding available options.

Services: WPAP's website has useful information available: www.wpapro.org. WPAP's Handbook is attached for the Board's review. WPAP Executive Director, Candice Cochran, and Clinical Director, John Ordiway, will be available at the July Meeting for questions.

June 22, 2020

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RE: 2nd Quarter 2020 Report

During the 2nd Quarter 2020, 51 professionals were enrolled in a monitoring agreement with the Wyoming Professional Assistance Program. This quarter we monitored twenty-five individuals licensed by the Board of Nursing. We have releases to disclose the progress of twenty-four of these to the Board of Nursing. Please see the attached spreadsheet for an overview of their compliance this quarter.

WPAP has completed five evaluations as requested by the Board of Nursing this. There are currently seven evaluations in the pipeline and one intake. In addition, WPAP has provided two confidential consultations this quarter.

We thank the Wyoming Board of Nursing for its continued support. If there are any questions please do not hesitate to contact me.

Best Regards,



Candice Cochran, Executive Director
Wyoming Professional Assistance Program

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WPAP Board of Nursing Compliance Update

Last Name	First Name	License	Compliant Qtr 2 2020 No Level II, III or IV Non Compliance
Bach-Pasklivich	Kerry	LPN	Y
Begley	Elizabeth	RN	1 - Level II Non-Compliance
Bonnett	Debra	LPN	1 - Level II Non-Compliance
Branaman	Kenneth	RN	Y
Brewer	Alyssa	C NA	1 - Level III Non-Compliance
Buckley	Kristy	C NA	1 - Level II Non-Compliance
Dominguez	Crista	RN	Y
Dooley	Pamela	RN	Y
Flury	Nancy	RN	1 - Level III Non-Compliance
Harris	Ryan	RN	Y
Husman	Kari	RN	Y
Kerr	Brenna	RN	Y
Loeffelbein	Kristine	RN	Y
Mufdi	Lorraine	RN	Y
Rau	Sasha	RN	Y
Reynolds	Jordan	RN	Y - Enrollment complete 5/27/20
Rock	Sara	RN	3 - Level III Non-Compliances
Ronson	Rochelle	C NA	Y
Scott	Ashley	C NA	Y - Enrollment complete 6/1/20
Scott	Donna	RN	Y
Summers	Trudy	RN	Y
UNKNOWN	UNKNOWN	APRN	Y - Enrollment Complete 5/1/2020
Tynsky	Angela	RN	1 - Level II Non-Compliance
White	Andrew	RN	Y
Wolfley	Robbin	LPN	Y

Wyoming Professional Assistance Program Policy and Procedure

Medication Assisted Treatment (MAT) in Substance and Alcohol Use Disorders

POLICY

This policy addresses medical treatment of substance and alcohol use disorder. WPAP supports opioid antagonist therapy (Naltrexone, Vivitrol). WPAP supports abstinence-based recovery consistent with the current recommendations for professionals in recovery. WPAP does not support MAT with use of suboxone/buprenorphine or other controlled substances.

PROCEDURE

- If a participant is engaged in MAT with methadone or suboxone/buprenorphine, WPAP takes a position that the participant will not work in their licensed profession.
- Participants coming into the program on MAT of either methadone or suboxone/buprenorphine will undergo review by WPAP medical director and recommendations will be made regarding the timeline to discontinue the substance while coordinating care with participant's provider. If participant or provider refuse recommendations, the above work restrictions will remain in place. The participant may be asked to establish care with the board-certified addiction medicine physician or a board-certified addiction psychiatrist.
- Upon discontinuation of MAT with controlled substances, chemical monitoring will be expanded for a minimum of one year. This may include additional UDS and/or nail sample testing.
- Participant must follow guidelines in the Reporting Medication Use policy.

Special Notes:

1. WPAP reserves the right to eliminate or change this policy at any time

POLICY NO:	MNT - 12
EFFECTIVE DATE:	June 16, 2020
REVIEWED:	6/16/2020
RELATED DOCUMENTS:	Reporting Medication Use Policy
REVIEW DATE:	6/2021



Compliance Handbook

Non-Compliance Levels

Level I non-compliance behavior shall be intervened upon internally by the WPAP staff. Participant Level I relapse behavior will not be reported to the licensing board.

Level II non-compliance behavior may cause WPAP to disclose my name, the Level II status and the general nature of the behavior to the licensing authority and other entities as outlined in the monitoring agreement. If at the time of the Level II notice, my participation is known to my licensing board, WPAP may disclose details of the behavior.

Level III non-compliance shall be reported by WPAP to the licensing board of each state in which I am licensed and/or to other entities as outlined in the monitoring agreement

Level IV relapse shall be immediately reported by WPAP to the licensing board of each state in which I am licensed, my current employer if working healthcare profession, other entities as outlined in the monitoring agreement recommending they consider emergency license or privilege suspension, or disciplinary action.

General Non-Compliance

A non-compliance will be issued if any of the following conditions, as agreed to in the general monitoring agreement are not met. These non-compliance standards apply to all participants.

Level I:

- Failure to submit to a medical, addiction, psychological, psychiatric, or other evaluation, as requested by WPAP.
- Failure to attend any aftercare and/or counseling sessions as requested by WPAP.
- Failure to complete a Monthly Self-Report each month postmarked no later than the 15th of each month. The Monthly Self-Report is always for the previous full month. Example: The June Self-Report is due postmarked no later than July 15th.
- Failure to have a worksite monitor (if worksite monitor is required) complete a Monthly Worksite Monitor Report postmarked no later than the 15th of each month. The Monthly Worksite Monitor Report is always for the previous full month. Example: The June Worksite Monitor Report should be postmarked no later than July 15th. For those whose Monitoring Agreement requires Quarterly Worksite Monitor Reports, the reports are due postmarked no later than January 15th (October – December), April 15th (January – March), July 15th (April – June) and October 15th (July – September).
- Failure to notify WPAP in writing of any changes to employment or licensure circumstances.
- Failure to respond to phone calls, emails or approved Third Party Administrator notifications from WPAP staff, independent contractors and third party administrators within one business day.
- Failure to comply with written directive of WPAP staff.

Level II

- Persistent or repeated failure to comply with any of the terms of the Monitoring Agreement (not including relapse to substance use) that has not responded to notification or intervention by WPAP.
- Receipt of three (3) Level 1's within a 90-day period, regardless of whether it is a repeated infraction.
- A single event of a promptly self-reported use of substances prohibited in monitoring agreement with no identified consequences and not in the context of client/patient contact may, in WPAP's sole discretion, be viewed as a Level II non-compliance. This specifically excludes a use found through a positive test, after participant has received notification that they are required to provide a sample, or after a sample has been provided.
- Failure to inform WPAP of an approved worksite monitor (if worksite monitor is required) within 10 business days of employment.

Level III

- Failure to comply with work related restrictions as outlined in the monitoring agreement including but not limited to administration of controlled substances, limitations on hours worked per week, shift limitations and limitations on type and location of work.
- Failure to abstain from all prohibited substances. (See the prohibited substance list in the Monitoring Agreement). This includes abstaining from alcohol, even if it is not a participant's drug of choice.
- Failure to provide a copy of any controlled substance prescription to WPAP within three (3) days of obtaining the prescription.
- Failure to have professional consultation with the Medical Director or clinical staff of WPAP if a participant is prescribed any prohibited substance for a period of 14 days.
- Failure to have a WPAP consultation occur for a drug the participant has had addiction problems with or treatment for in the past prior to the filling of the prescription, or if an emergency, within three business days.
- Failure to provide a signed physician acknowledgement form confirming that a copy of the monitoring agreement has been provided to the prescriber of any controlled substance prescriptions.
- Failure to notify WPAP about all medical conditions that require the use of a prohibited substance.
- Prescribing any controlled substance to self or anyone in their family, or extended family.
- Prescribing any controlled substance to anyone in their support groups or individuals enrolled in WPAP without prior written approval from WPAP.
- Quitting the monitoring program prior to completion without WPAP approval.
- Revocation of any consent or release prior to the expiration of the monitoring agreement.

Level IV

- Use of substances or engaging in behaviors which impair in any way the participant's ability to safely and skillfully practice his/her profession.
- Behaviors that endanger the safety of self, clients, patients, coworkers, family or the general public.

Substance Abuse Non-Compliance

A non-compliance will be issued if any of the following conditions, as agreed to in the substance abuse monitoring agreement addendum are not met. These non-compliance standards apply to all participants who have signed the substance abuse addendum and are in addition to the items outlined in the General Non-Compliance section of this document.

Level I

- **These Level I non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Failure to call into approved Third Party Administrator every weekday (Monday – Friday) before 5PM (Mountain Time). This excludes the following (6) six holidays: New Year’s Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.
- Failure to attend the number of AA or NA meetings a month as stipulated in the participant's WPAP Monitoring Agreement.
- Failure to attend the number of Caduceus meetings a month as stipulated in the participant’s WPAP Monitoring Agreement.
- Failure to provide for all drug screens within (8) eight hours of checking/calling in. This only applies when the drug screen is still provided on the date test is requested.

Level II

- **These Level II non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Two (2) consecutive missed calls/check-ins.

Level III

- **These Level III non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- A positive drug screen for any substances not previously prescribed and/or approved by WPAP.
- Failure to provide for all drug screens on the actual requested date. This includes the participant providing at a WPAP approved collection site while out of town.

Level IV

- See General Non-Compliance section.

The following requirements will not result in a non-compliance, but could result in the participant missing a drug test, which would result in a Level III – positive test report to the licensing board.

- Participant is required to notify WPAP in writing and it must be received in the WPAP office two weeks in advance of leaving out of town to an isolated area where you cannot call into approved Third Party Administrator and/or locate a WPAP approved collection site. This will allow ample time for WPAP to notify your Licensing Board (for those who are known to their Board) and gain their approval for your request. For those who are not known to their Board, approval may be granted by the discretion of the WPAP Executive Director of his or her designee. If the waiver is not approved (due to missing the two-week window or any other reason) and participant does not provide as required during the requested waiver time it will be reported as a Level III – positive test.
- Participant is required to bring not less than two (2) collection kits with them while out of town. If participant is required to provide and is not able to do so due to not having collection kits, it will be viewed as a positive test and reported as a Level III.
- If waiver is not approved, participant is required to notify WPAP two weeks in advance of traveling out of town, in order to give ample time for WPAP staff to locate a collection site near participant's destination. If WPAP is not able to find an approved Third Party Administrator collection site and participant still chooses to travel, any drug screens during the time when participant is out of town will be considered a positive test and reported as a Level III.

Mental/Behavioral Health Non-Compliance

A non-compliance will be issued if any of the following conditions, as agreed to in the mental/behavioral health monitoring agreement addendum are not met.

Level I

- **These Level I non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Failure to attend all support group or therapy appointments. Participant will not miss or reschedule these appointments without prior approval or waiver from WPAP.
- Failure to assure that the psychiatric physician/provider, therapist and any prescribing physicians/provider submit monthly or quarterly reports as required by WPAP. Monthly reports are due postmarked by the 15th of the month. Quarterly reports are due postmarked no later than January 15th (October – December), April 15th (January – March), July 15th (April – June) and October 15th (July – September).

Level II

- **These Level II non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Multiple missed therapy appointments in a six (6) month period without prior approval of WPAP.
- Delay in scheduling initial therapy appointments of more than 14-days unless extension is approved by WPAP staff.

Level III

- **These Level III non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Two or more Level II non-compliances in a six (6) month period.
- Failure to take the medications as prescribed by my treatment professionals.
- Discontinuation of therapy without WPAP prior approval. This includes discharge by therapist.
- Delay in scheduling initial appointments of more than 30-days.
- Behaviors that disrupt practice of the professional practice, normal business operations or family.

Level IV

- See General Non-Compliance section.

Soberlink Non-Compliance

A non-compliance will be issued if any of the following conditions, as agreed to in the Soberlink monitoring agreement addendum are not met. These non-compliance standards apply to all participants who have signed the Soberlink addendum and are in addition to the items outlined in the General Non-Compliance section of this document.

Level I

- **These Level I non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Failure to purchase equipment and establish Soberlink account within 72 hours of notification.
- Wearing any attire that distorts appearance during a BrAT (Breath Analysis Test).
- Submittal of a late test, defined as when a compliant BrAT is submitted within 1 hour of the scheduled test window without extenuating circumstances.

Level II

- **These Level II non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Failure to purchase equipment and establish Soberlink account within 1 week of notification.
- A missed test, defined as when a participant fails to submit a scheduled BrAT, and does not submit a late BrAT and there are no extenuating circumstances preventing them from submitting the test.
- A positive BrAT test outside of the context of professional practice, which is considered positive after the 30-minute retesting.

Level III

- **These Level III non-compliance standards are in addition to the items outlined in the General Non-Compliance section of this document.**
- Refusal to purchase equipment and establish or maintain Soberlink account. A delay of over 2 weeks will be considered a refusal.
- Failure to do the following in the instance of a positive BrAT test:
 - Provide follow-up BrAT testing
 - Provide requested follow-up urine, nail or blood testing within the timeframe required by WPAP
- A positive BrAT test within the context of professional practice, which is considered positive after the 30-minute retesting.
- Refusal or Failure to submit a requested observed urine sample upon request from WPAP within 24 hours (or on the next business day) of a late or missed test.

Immediate Discharge

WPAP takes the following situations very seriously and they will result in an immediate discharge from a WPAP monitoring agreement.

- Participant verbally, electronically or physically threatening or harassing WPAP staff, independent contractors or other participants.
- Participant refuses to sign Releases of Information allowing WPAP to gather needed information in reference to their mental health or substance use issues.
- Participant revokes any consent or release prior to the expiration of the monitoring agreement.

Acknowledgement Form

I _____ have received the Wyoming Professional Assistance Program Compliance Handbook.

I acknowledge that I have reviewed and understand I am accountable for any non-compliances outlined in the following sections of this document:

- ☐ General Non-Compliance
- ☐ Substance Abuse Non-Compliance
- ☐ Mental/Behavioral Health Non-Compliance
- ☐ Soberlink Non-Compliance
- ☐ Immediate Discharge

Participant Signature

Date

Please sign, date and return to:

**WPAP
PO Box 1496
Casper, WY 82602
Or fax 866-277-6550**