

HOUSE No. 5612

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 2, 1987.

The committee on Health Care, to whom was referred the petition (accompanied by bill, House, No. 5329) of the Mass. Nurses Association and Charles F. Flaherty relative to the establishment of a nursing rehabilitation program, reports recommending that the accompanying bill (House, No. 5612) ought to pass.

For the committee,

JOHN C. McNEIL.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Seven.

AN ACT RELATIVE TO THE ESTABLISHMENT OF A NURSING REHABILITATION PROGRAM.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 80B of chapter 112 of the General Laws,
2 as appearing in the 1984 Official Edition, is hereby amended by
3 inserting after the word "inclusive" in line 1, the following
4 paragraphs:

5 "Board," the board of registration in nursing established by
6 section thirteen of chapter thirteen of the General Laws.

7 "Supervisor," a nurse specialist with a master's or higher degree
8 in a nursing specialty with experience in substance use disorders,
9 employed by the board as indicated in section 80F(b) of this
10 chapter.

11 "Rehabilitation Evaluation Committee," a committee
12 established by section 80F of this chapter.

13 "Rehabilitation Program," the program established by section
14 80E of this chapter as a voluntary alternative to traditional
15 disciplinary actions.

16 "Rehabilitation Program Participant," a registered nurse or
17 licensed practical nurse that has elected to participate and has been
18 accepted in the diversion program.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by inserting after section 80E the following section:

3 Section 80F. Rehabilitation Program

4 (a) In order to rehabilitate and return to practice nurses whose
5 competency may be impaired due to substance use disorders, in
6 a manner which will not endanger the public health and safety,
7 the board shall:

8 (1) seek ways and means to identify and rehabilitate
9 registered nurses and licensed practical nurses;

10 (2) establish a rehabilitation program as a voluntary
11 alternative to traditional disciplinary actions;

12 (3) employ as supervisors one or more full time nurse
13 specialists with demonstrated professional expertise in the fields
14 of substance use disorders;

15 (4) establish criteria for the acceptance, denial, or
16 termination of registered nurses and licensed practical nurses in
17 the rehabilitation program. Only those registered nurses and
18 licensed practical nurses who have requested rehabilitation and
19 supervision by a committee shall participate in the program.

20 (b) The supervisor(s) shall act as liaison among the board,
21 rehabilitation evaluation committee(s), approved treatment
22 programs and providers, and licensees. All information obtained
23 by a supervisor pursuant to this section shall be exempt from
24 disclosure and shall be held confidential subject to the provisions
25 of subsection (e) of this section.

26 (c) The board shall appoint one or more rehabilitation
27 evaluation committees. No board member may serve on a
28 committee. The board shall appoint committee members by
29 majority vote for a term of the board's discretion but not longer
30 than four years. All nurse committee members must be currently
31 licensed as nurses in the Commonwealth. The composition of each
32 diversion evaluation committee shall be as follows:

33 (1) Two members must be registered nurses with
34 demonstrated experience in the field of substance use disorders
35 or psychiatric-mental health nursing.

36 (2) Two members must be licensed practical nurses with
37 demonstrated experience in the field of substance use disorders
38 or psychiatric-mental health nursing.

39 (3) One member must be a registered nurse employed as
40 a nursing service administrator.

41 (4) One member must be a registered nurse or licensed
42 practical nurse recovering from drug or alcohol addiction who has
43 been drug and alcohol free for a minimum of two years.

44 (5) Three members must be representatives of the public
45 and knowledgeable about the field of substance abuse and/or
46 mental health.

47 Each rehabilitation evaluation committee shall elect from
48 its membership a chairperson and a vice chairperson.

49 (d) All rehabilitation evaluation committee findings shall be
50 submitted to the board as recommendations and shall be subject
51 to final approval of the board. Each committee shall have the
52 following duties and responsibilities:

53 (1) To evaluate according to the guidelines prescribed by
54 the board those registered nurses or licensed practical nurses who
55 request participation in the program and to consider the
56 recommendations of the nurse specialist supervisor(s) in the
57 admission of the registered nurse or licensed practical nurse to
58 the rehabilitation program.

59 (2) To review and designate those treatment facilities and
60 services to which rehabilitation program participants may be
61 referred.

62 (3) To receive and review information concerning a
63 registered nurse or licensed practical nurse participating in the
64 program.

65 (4) To consider in the case of each rehabilitation program
66 participant whether the nurse may with safety continue or resume
67 the practice of nursing.

68 (5) To call meetings as necessary to consider the requests
69 of registered nurses or licensed practical nurses to participate in
70 the rehabilitation program, and to consider reports regarding
71 rehabilitation program participants.

72 (6) To prepare reports to be submitted to the board.

73 (7) To set forth in writing for each rehabilitation program
74 participant an individualized rehabilitation program with
75 requirements for supervision and surveillance.

76 (8) To provide information to nurses requesting participa-
77 tion in the program.

78 (e) Each registered nurse or licensed practical nurse who
79 requests participation in a rehabilitation program shall agree to
80 cooperate with the rehabilitation program recommended by a
81 rehabilitation evaluation committee and approved by the board.
82 Any failure to comply with the provisions of a rehabilitation
83 program may result in termination of the participant from the
84 rehabilitation program. The name and license number of a
85 registered nurse or licensed practical nurse terminated for failure
86 to comply with the provisions of a rehabilitation program shall
87 be reported to the board.

88 (f) Any nursing service administrator who allows a registered
89 nurse or licensed practical nurse to continue or resume the practice
90 of nursing while the licensee is a participant in a rehabilitation
91 program as identified in this section shall be immune from liability
92 in any civil action resulting from her employment or supervision
93 of the licensee unless there is evidence of gross negligence.

94 (g) After a committee in its discretion has determined that a
95 registered nurse or licensed practical nurse has been rehabilitated
96 and the rehabilitation program is completed, the Board shall seal
97 all records pertaining to the nurse's participation in the
98 rehabilitation program. No record shall be sealed sooner than five
99 years from the nurse's date of entry into the rehabilitation
100 program. All board and committee records and records of a
101 proceeding pertaining to the rehabilitation of a registered nurse
102 or licensed practical nurse in the rehabilitation program shall be
103 kept confidential and are not subject to discovery.

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