

HAWAII ADMINISTRATIVE RULES

TITLE 16

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

CHAPTER 89B

DIVERSION PROGRAM

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§16-89B-1 Purpose. The purpose of this chapter is to establish the requirements for program approval and maintenance of a diversion program for the chemically dependent nurse who may voluntarily enter into a negotiated settlement with the regulated industries complaints office subject to approval and order of the board and acceptance by the diversion program. It is the intent of the board to provide the nurse with the opportunity to enter into a program to be rehabilitated through a therapeutic, non-punitive, and confidential process. [Eff 8/9/01] (Auth: HRS §334D-3) (Imp: HRS §334D-3)

§16-89B-2 Definitions. As used in this chapter:

"Board" means the board of nursing; and

"RICO" means the regulated industries complaints office of the department of commerce and consumer affairs. [Eff 8/9/01] (Auth: HRS §§334C-3, 457-5) (Imp: HRS §§334D-3, 457-12)

§16-89B-3 Program approval. Prior to implementation, all programs must be approved by the board. The request for approval shall be submitted within a reasonable time to allow the board time to evaluate the program to its satisfaction. [Eff 8/9/01] (Auth: HRS §334D-3) (Imp: HRS §334D-3)

§16-89B-4

§16-89B-4 Program requirements. (a) The National Council of State Boards of Nursing Nondisciplinary Alternative Program Model Guidelines (Guidelines) as amended from time to time, and as adopted by the board pursuant to section (d), shall be used as the standard by which the board may assess a proposed diversion program. At the time a request for program approval is submitted to the board, the current Guidelines shall apply.

(b) The sponsor of the program shall submit a comprehensive manual of all policies and procedures to the board within the time frame designated by the board. The policies and procedures manual shall include, but not be limited to, criteria relating to:

- (1) Assessment;
- (2) Agreement among nurse, board, RICO, and program sponsor prior to admission into program;
- (3) Admission
  - (A) Requirements for admission; and
  - (B) Grounds for refusal to admit;
- (4) Plan of care;
- (5) Monitoring
  - (A) Frequency;
  - (B) Section of responsible personnel;
  - (C) Timely reporting of program deviation from plan of care;
  - (D) Consequence of breach; and
  - (E) Quarterly progress reports to the board;
- (6) Timely reporting to the board of deviation from plan of care;
- (7) Discharge, including prior written notification to board of nurse's status and intent to charge in a timely manner;
- (8) Return to work agreement;
- (9) Timely reporting to RICO and board executive officer of relapse of nurse;
- (10) Readmission of nurse in relapse and agreement with the board and RICO;
- (11) Annual report, including but not limited to:
  - (A) Nurses under treatment; and
  - (B) Nurses with return to work agreement still in effect;
- (12) Timely reporting of sponsor's inability to carry out any aspect of program to the board; and
- (13) Timely written notification to the board of sponsor intent to terminate program.

(c) Any sponsor applying for program approval of the board shall justify any deviation from the Guidelines. It shall be within the board's sole discretion whether to accept or to reject any such deviation.

(d) Any amendments or revisions to the Guidelines may be accepted by the board by majority vote at a duly noticed meeting of the board and shall thereafter be used by the board in assessing any program. [Eff 8/9/01] (Auth: HRS §334D-3) (Imp: HRS §334D-3)

Chapter 16-89B, Hawaii Administrative Rules, on the Summary Page dated April 6, 2001, was adopted on April 6, 2001, following a public hearing held on the same date, after public notice was given in the Hawaii State and County Public Notices for the City and County of Honolulu and The Honolulu Advertiser for the City and County of Honolulu, County of Kauai, County of Maui and the County of Hawaii on March 5, 2001.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Valisa Saunders

VALISA SAUNDERS, Chairperson  
Board of Nursing

APPROVED AS TO FORM:      Date: 6/15/01

/s/ Shari J. Wong

Deputy Attorney General

APPROVED:                      Date: 7/25/01

/s/ Kathryn S. Matayoshi

KATHRYN S. MATAYOSHI, Director  
Commerce and Consumer Affairs

APPROVED:                      Date: 7/30/01

/s/ Benjamin J. Cayetano

BENJAMIN J. CAYETANO  
Governor  
State of Hawaii

July 30, 2001

Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Adoption of Chapter 16-89B  
Hawaii Administrative Rules

April 6, 2001

SUMMARY

Chapter 16-89B, Hawaii Administrative Rules, entitled "Diversion Program," is adopted.

This material can be made available for individuals with special needs. Please call the Program Specialist, Professional and Vocational Licensing Division, DCCA, at 586-2692, to submit your request.

Effective 8/9/01