

R. Wilson

DIVISION OF MENTAL HEALTH AND HOSPITALS

Administrative Bulletin Transmittal Memorandum No. 23


December 2, 1982

SUBJECT: Administrative Bulletin 4:06
Guidelines for Reporting Unlawful
Activities by Licensed Nurses

This Administrative Bulletin presents "Guidelines for Reporting Unlawful Activities by Licensed Nurses" which were recently promulgated by the New Jersey Board of Nursing.

Please share the information contained in this bulletin with each Director of Nursing Services.

Administrative Bulletin 76-3, dated January 30, 1976, is hereby rescinded.


Richard H. Wilson, Director
Division of Mental Health and Hospitals

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DIVISION OF MENTAL HEALTH AND HOSPITALS

ADMINISTRATIVE BULLETIN 4:06

DATE: December 2, 1982

SUBJECT: Guidelines for Reporting Unlawful
Activities by Licensed Nurses
Applicability: H

"The following guidelines represent general procedures to be followed in the defining and reporting of actual or suspected unlawful acts * performed by professional nurses and licensed practical nurses. In those situations where reporting such activity is called for, the matter should be immediately communicated by telephone to the Board of Nursing.

The New Jersey Board of Nursing
Department of Law and Public Safety
Division of Consumer Affairs
1100 Raymond Boulevard
Newark, New Jersey 07102
Telephone: 201-648-2570

The reporting of an incident or series of incidents which may be unlawful is a serious step and should not be done casually; however, when an objective professional evaluation of a situation leads to a good faith belief that activity is improper or unlawful, the incident should be reported. Obvious types of cases to be immediately reported include arrests or convictions for crimes, drug abuse, alcoholism, drug diversion--for personal or other purposes, patient abuse, major breaches of hospital, nursing home or other setting policy which manifest actual or serious potential for patient harm, the physical or emotional disease or conditions which prohibit the rendering of nursing services. Other situations which, after an evaluation of all relevant factors, indicate a serious breach of proper nursing standards should also be reported.

I. General Guidelines

1. Establish as precisely as possible the subject's identity and the unlawful act or practices involved.
2. Where possible, immediately advise the person in responsible supervision of the suspected person or activity.
3. Where the activity indicates a threat to patient safety or where the activity indicates incapacity to perform nursing functions, immediately notify the Board of Nursing.
4. Limit the number of individuals having knowledge of the suspected activity.

5. Verify the activity through official records where possible. Copies of same should be secured.
6. Document activity in writing (memo, report, etc.). Sharply distinguish between first-hand observations based upon personal knowledge and hearsay statements obtained from others. Where possible, signed statements should be obtained from individuals having direct, first-hand knowledge of the activity.
7. Notify the Board of Nursing and make available the product of the investigation.
8. In those situations involving suspected drug diversion and drug abuse the matter should be immediately communicated by telephone to:

The Enforcement Bureau
Department of Law and Public Safety
Division of Consumer Affairs
1100 Raymond Boulevard, Rm. 5508
Newark, New Jersey 07102
Telephone: 201-648-3500

II. Guidelines for Suspected Drug Diversion and Drug Abuse


1. Establish as precisely as possible the nature of the loss, and if possible, the identity of the suspect(s).
2. Where possible, immediately advise the person in responsible supervision of the suspected activity. DO NOT DISCUSS THE MATTER WITH ANYONE ELSE.
3. Where there is likelihood that drug diversion is occurring, report the activity to the Enforcement Bureau, Drug Abuse Section before employee confrontation, discharge or disciplinary action unless there is an imminent danger to the patients or employees.
4. Limit the number of people having knowledge of the incidents and checking the possible drug abuse or diversion.
5. Verify the problem through official records (patient records, sign-out dispensing records, pharmacy records, etc.).
6. Where facts indicate diversion from patients, verify that patients either did not receive the drug or received something other than ordered in a manner which will neither alarm the patient or alert the suspect. CAREFULLY MONITOR AND ASSESS PATIENT REACTION UNDER SUCH SITUATIONS.
7. Document in writing (memo, report, etc.) your conversation with patients and their verbal responses. Dates, times and patient identity should be included along with patient response.
8. Document unusual behavior patterns displayed by the suspect. Sharply distinguish between first-hand observations made on personal knowledge and hearsay statements obtained from others.

* In defining those acts which authorize disciplinary sanctions by the Board of Nursing, N.J.S.A. 45:1-21 makes the following unlawful:

1. Obtaining a license or authority to sit for an examination through fraud, deception or misrepresentation.
2. Engaging in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.
3. Engaging in gross negligence, gross malpractice or gross incompetence.
4. Engaging in repeated acts of negligence, malpractice or incompetence.
5. Engaging in professional misconduct.
6. Having been convicted of any crime involving moral turpitude or a crime relating adversely to the practice of nursing.
7. Having had a license revoked or suspended by another state agency or authority for acts essentially similar to those set forth above.
8. Being incapable, for medical or any other good cause of discharging the functions of a licensed nurse."

It shall be the responsibility of the Director of Nursing Services to report to the Chief Executive Officer and to the Psychiatric Nurse Consultant, nurses who are suspected of unlawful activities including those listed above.

The Chief Executive Officer shall, in turn, report such matters to the Director of the Division of Mental Health and Hospitals and to the New Jersey Board of Nursing.


Richard H. Wilson, Director
Division of Mental Health and Hospitals