

LOUISIANA STATE BOARD OF NURSING ADVISORY STATEMENT REGARDING PRACTICING WHILE TAKING PRESCRIBED NARCOTIC MEDICATION

The Louisiana State Board of Nursing has received numerous inquiries from employers and registered nurses regarding practicing while on prescribed narcotics for pain and other conditions. Particularly these inquiries involve ‘safety to practice’ while using benzodiazepines, sedative/hypnotic and opiate pain medications. The intent of this advisory statement is to provide thoughtful direction to assist nurses and employers in addressing these concerns and to provide relevant rules and regulations governing the practice of nursing in Louisiana. Please be advised that grounds for disciplinary proceedings against a Registered Nurse are specified in R.S. 37:921: Of particular relevance to this topic are the following:

3. *is unfit or incompetent by reason of negligence, habit, or other cause;*
4. *has demonstrated actual **or potential** inability to practice nursing with reasonable skill and safety to individuals because of use of alcohol or drugs; or has demonstrated inability to practice nursing with reasonable skill and safety to individuals because of illness or as a result of any mental or physical condition;*

This includes motor or cognitive impairment or the potential for impairment from **prescribed** medications.

Other Causes—includes, but is not limited to:

- b. possessing a physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing;
- c. failure to utilize appropriate judgment;

Guidelines for Registered Nurses-

Licensed nurses are accountable for assuring that their actions and behaviors meet all applicable standards for safe and competent practice at all times. This requires constant awareness of the demands of the job and a continual process of evaluation and assessment in order to make sure that the nurse is fit to practice and competent to safely perform those functions that fall within the defined scope of nursing practice and for which the nurse has accepted responsibility. Nurses, who practice while not fit to do so, may be subject to disciplinary action by the board including but not limited to license suspension, revocation, or monitored practice. A legitimate prescription is not an acceptable excuse for impairment in the workplace.

Registered Nurses who are required to use prescription drugs authorized by a licensed prescriber are responsible for being aware of any effect such drug may have on the performance of their duties and to report the use of such substances to their supervisor prior to reporting for work.

If a prescription medication states it *Might or Could cause* any form of impairment, a prescriber’s letter clarifying the impact of these possible side effects should be required. The prescriber’s note must state the medicine will not negatively impact the nurse’s ability to function in his/her job capacity.

The prescription or written document must also contain the name of the substance, the quantity/amount to be taken, and the period of authorized use. Any abuse or misuse of legal drugs is prohibited. The drug shall be used only within the parameters set by the prescriber and quantity prescribed. The prescriber’s note does not absolve the nurse from making a personal assessment of expected performance in relation to the assignment. The nurse and manager are in the best position to determine whether the above referenced guidelines can be met regardless of the prescriber's statement.

It is the nurse's responsibility to notify the prescribing health care professional of the duties required by the nurse's position and to ensure that the prescriber approves the use of the prescription medication while the nurse is performing his or her duties.

Guidelines for Employers

Employers are encouraged to develop drug free workplace policies which address the use of prescription medications. The policy should be reviewed upon initial employment so as to give the nurse an opportunity to disclose the current use of prescribed narcotics. Provisions should be outlined in the policy for any and all future use of prescribed narcotics i.e. who to report use to, when to report, forms to utilize etc.

The nurse's prescription medications should be reviewed confidentially and additional documentation obtained from the prescriber as needed. In some circumstances, an employer may require certification from the prescriber that the prescription substance does not adversely impact fitness to do the job. It may, however, be necessary to change an employee's job assignment or be placed on medical leave while the employee is undergoing treatment.

A controlled substance's use as part of a prescribed medical treatment is not grounds for disciplinary action, although it is paramount for the appointed authority in the facility to know the use is occurring. Failure to disclose prescription drug use once a policy is in place which is discovered as part of a random or for-cause drug screen can and should be cause for disciplinary action. **Impairment at work due to prescribed medications is grounds for disciplinary action.**

Finally, it may be helpful for employers to define those positions within the facility which are safety sensitive. One such definition for **Safety Sensitive Employees** is any employee who, in the regular or foreseeable discharge of responsibilities, engages in conduct creating a reasonable risk of injury to self or others such that even a momentary lapse of attention could reasonably result in consequences of harm, loss or injury elevated by use, prescribed or otherwise, of drugs.* Therefore, safety sensitive employees may be subject to discipline for failure to inform the appropriate supervisor regarding the use of prescription drugs. Additionally, employers may choose to restrict the use of all mood-altering chemicals when performing in a safety sensitive position or allow nurses taking prescribed medications to only work in positions which are not deemed safety sensitive.

Disclaimer: This statement is the LSBN's position as to compliance with its own statutes and rules relative to nurses working under the influence of prescribed controlled substances and is not intended to be its interpretation of an employer's requirements for compliance with the American's with Disabilities Act or other applicable law.

*Tennessee DOT Division of Multimodal Transportation Resources and Substance Use, Abuse and Testing Policy.

Adopted: 09/15/10