



**12 AAC 44.740. USE OF ALCOHOL OR DRUGS.**

*(c) The board may offer a license subject to this section the opportunity to participate in an alternative probation program. Whether a licensee may participate in an alternative probation program is at the discretion of the board. A licensee participating in an alternative probation program shall meet the terms of the probation required by the board under the alternative probation program. The board will keep a licensee's participation in an alternative probation program confidential, except as required by law.*

**Standard Operating Procedure: Alternative to Probation for Substance Use Disorders**

In a manner that safeguards the health of the public; nurses (LPN, RN, APRN) and CNA's may be eligible to enter the Alternative to Probation (ATP) program agreement to enable them to return or continue to practice their profession.

**Any nurse who is eligible and wishes to participate in the ATP program must:**

1. **Voluntarily disclose (Self-report) and request to participate.**
2. Provide disclosure authorization as requested.
3. Abstain from mind altering substances, including alcohol and cannabis, except for medications prescribed by an authorized provider.
4. Undergo a complete substance use disorder evaluation. This evaluation must be performed by a health care professional(s) with expertise in chemical dependency.
5. Be diagnosed with a substance use disorder, utilizing DSM-IV-TR or DSM-V criteria, by a licensed physician or APRN experienced in the diagnosis and treatment of substance use disorders and report must be disclosed to the board.
6. Agree in writing to the terms set forth in the ATP agreement.
7. Be responsible for all costs for treatment and monitoring, including Board-required drug screens.
8. Comply with the instructions from their ATP Agreement and Compliance Monitor regarding evaluation and treatment as well as follow all treatment recommendations for the duration of the Agreement. This may include but not limited to:
  - a. Workplace restrictions including a worksite monitor.
  - b. Daily Check ins
  - c. Random drug testing
  - d. Employer reports
  - e. Self-reports
  - f. Compliance with treatment recommendations identified in evaluation completed for program entry.
  - g. Attendance at group support meetings

- h. Designation of a sponsor
  - i. Confidential notation submitted to NURSYS regarding participation in the program.
9. Communicate, in a timely manner, with designated compliance monitor.
10. Attend face to face meetings with the BON as requested.

**A nurse is not eligible to participate in ATP program if they:**

1. Do not hold an active license or temporary permit to practice nursing in the State of Alaska.
2. While under the influence of drugs or alcohol, performed impaired nursing practice that led to harm or death of a patient.
3. Have a felony conviction, or pending felony conviction, or any conviction related to the sale or distribution of controlled substances or legend prescription drugs.
4. Have participated in the program twice before.
5. Have had previous disciplinary action against the nursing license in any state or jurisdiction or have been terminated from any state's alternative to discipline program participation for noncompliance.
6. Do not voluntarily admit to a substance use disorder that renders the licensee unable to meet the standards of nursing profession.
7. Refuse to participate in a rehabilitation program.

**Causes for termination from the ATP and addition of disciplinary action against licensee may include:**

1. Noncompliance with any aspects of the ATP agreement
2. Additional license actions
3. Any violation of federal or state laws

**An ATP agreement is successfully completed when:**

1. Compliance with all program requirements specified in the ATP agreement for designated duration of monitoring.
2. Receipt of written notice of formal release.

All records of a licensee without disciplinary action who successfully completes their ATP shall be sealed and confidential, not subject to public disclosure, and not available for court subpoena or for discovery proceedings. The records of a licensee who fails to comply with the ATP agreement are not confidential once disciplinary action is taken.

ADOPTED BY THE BOARD OF NURSING, January 31, 2024