

Background

- Diversion is an illegal use of or fraud in obtaining prescription drug medication for illicit purposes.
- Diverting is common in the healthcare field. Approximately 10% of healthcare workers have abused opioids at some point in their careers.
- Most of the healthcare workers involved in diverting do not seek help.
- Over \$8.5 Billion per year in the US wasted due to diverting.
- Opioids, benzodiazepines, and stimulants are the most common drugs diverted by healthcare workers.

Problem Related to Diverting

Infections

- Diverting can expose healthcare workers and patients to blood-borne pathogens.

Pain and Suffering

- According to the Diverting Act, patient suffer when the prescribed medication or dose is not given.

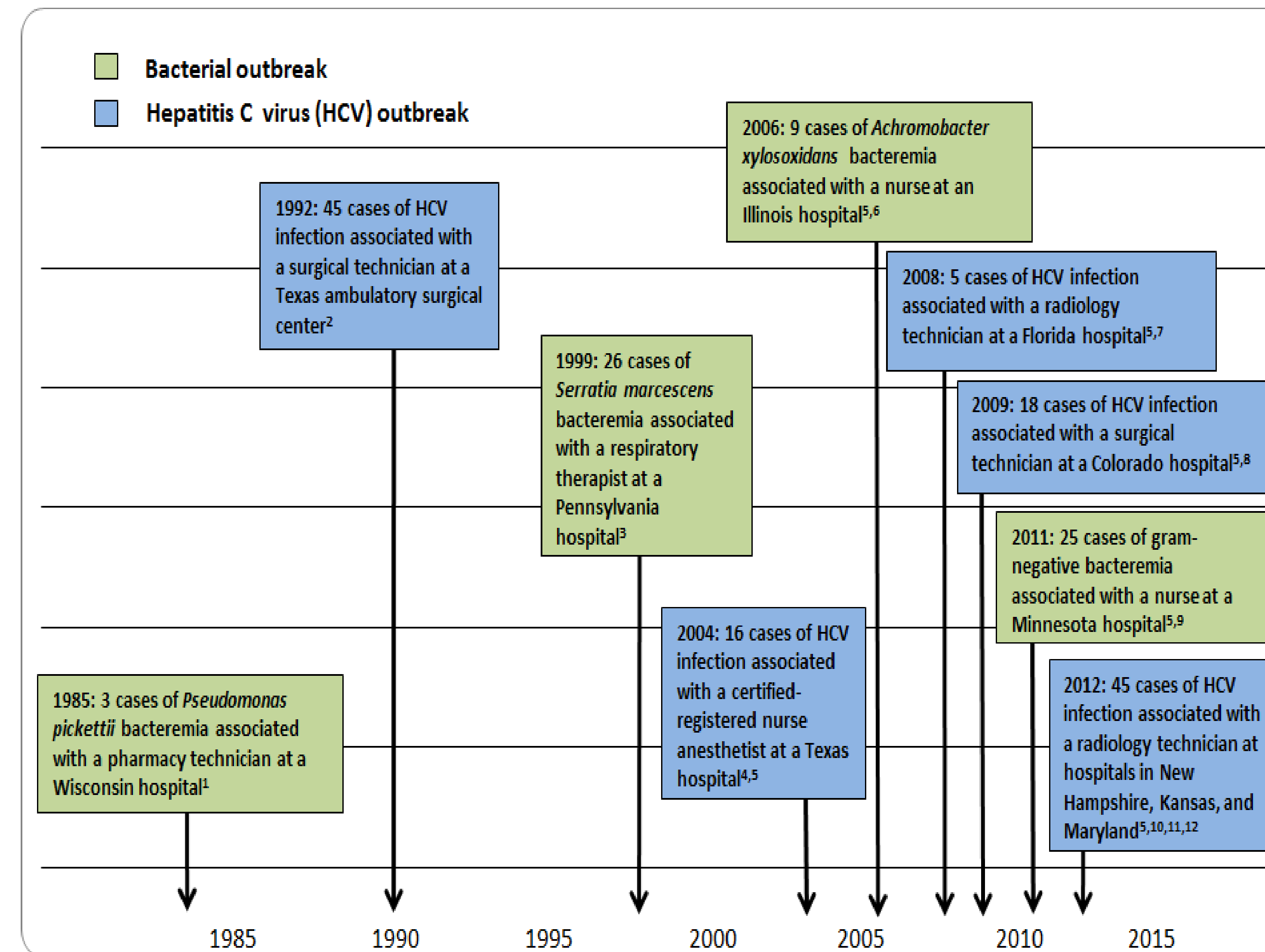
Class Action Lawsuits

- Health care workers caught diverting are subject to investigation that could lead to criminal and civil charges.

Negligent Hiring

- Hospitals may also be subject to a civil lawsuit and charged with negligent hiring when a healthcare worker is caught diverting.

U.S. Outbreaks Associated with Drug Diversion by Healthcare Providers 1983-2013



These outbreaks are related to healthcare workers diverting. If strong narcotics security measures and active monitoring systems had been in place, these outbreaks would have been prevented and kept the public safe.

Legal Consequences

Criminal Charges

- Criminal charges may be brought against the healthcare worker if they are found guilty of drug diversion. These charges may include fines and jail time.
- The process for criminal charges is very different from that of civil litigation. Typically, criminal charges are only against the individual, not the covered entity (i.e., health system or hospital).

Civil Charges

- Civil charges may be brought against the entity that employed the healthcare worker charged criminally with diversion.
- Typically, the plaintiffs accuse the entity with claims such as negligent hiring, pain and suffering, unnecessary harm, or discrimination.
- In these situations, the entity often focuses on its own defense statement rather than the healthcare worker.

Nevada Alternative to Discipline Program

- Nevada's State Board of Nursing offers the Nevada Alternative to Discipline Program for nurses and CNAs whose practice may be impaired due to chemical dependency.
- The goal of the program is to protect the public by identifying the impaired individuals, providing intervention education, and get the individual into a chemical dependency treatment that the Board approves.
- These program often allow the nurse or CNA to practice while being closely monitored by the Board.

How Do Nurses and CNAs Enter into the Program?

The nurse/CNA must report to the Board of Nursing that they are addicted to alcohol or controlled substances and be willing to seek treatment.

The participant must agree to temporarily voluntarily surrender their license or certificate and participate in a board-approved treatment program. The participant will attend 180 hours of treatment that consist of didactic work, individual counseling, and group counseling. The individual will also be required to participate in an Alcoholics Anonymous/Narcotics Anonymous meeting daily for 90 consecutive days.

The participant must agree to abide by the terms and conditions of a monitoring agreement for a minimum of 5 years. During this time, the Board will closely monitor the participant while supporting their recovery activities.

References

