

**Arizona State Board of Nursing  
Substantive Policy Statement**

**CANDO Eligibility and Admission Policy  
January 27, 2010**

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (ARS § 41-1091)

**§32-1605.01. Executive director; compensation; powers; duties**

- B. The executive director or the executive director's designee shall:
6. On behalf of the board, enter into stipulated agreements with a licensee for the confidential treatment, rehabilitation and monitoring of chemical dependency. A licensee who materially fails to comply with a program requirement shall be reported to the board and terminated from the confidential program. Any records of a licensee who is terminated from a confidential program are no longer confidential or exempt from the public records law. Notwithstanding any law to the contrary, stipulated agreements are not public records if the following conditions are met:
    - (a) The licensee voluntarily agrees to participate in the confidential program.
    - (b) The licensee complies with all treatment requirements or recommendations, including participation in alcoholics anonymous or an equivalent twelve step program and nurse support group.
    - (c) The licensee refrains from the practice of nursing until the return to nursing has been approved by the treatment program and the executive director or the executive director's designee.
    - (d) The licensee complies with all monitoring requirements of the stipulated agreement including random bodily fluid testing.
    - (e) The licensee's nursing employer is notified of the licensee's chemical dependency and participation in the confidential program and is provided a copy of the stipulated agreement.

**Purpose: To define the eligibility criteria for acceptance and participation in the Board's non-disciplinary and non-public program (CANDO) for the treatment, rehabilitation and monitoring of licensees with substance abuse disorders.**

## ELIGIBILITY CRITERIA

1. The CANDO Program Consultant and/or their designee, schedules the initial screening of the potential CANDO participant, gathers intake information to determine eligibility for entering the CANDO Program, and may provide referrals for evaluations and treatment assessment.
2. Eligibility to enter into CANDO is limited to registered or licensed practical nurses either eligible for or holding an Arizona nursing license.
3. An applicant for licensure by exam or endorsement who is currently enrolled in an alternative to discipline in another state must be in good standing with his/her current program, have written permission from his/her current program/state of licensure to seek permission to practice in Arizona and be approved for licensure and entry into CANDO by the Board. (If an individual is currently licensed in Arizona and participating in another state's alternative to discipline and otherwise meets eligibility requirements, the licensee may be approved for entry into CANDO by the CANDO Program Consultant or designee.)
4. Eligibility requirements to participate in CANDO includes the following:
  - a) Individual voluntarily requests admission to the CANDO Program.
  - b) Individual agrees, in writing, to comply with all elements of the CANDO Stipulated Agreement.
  - c) Individual acknowledges abusing drugs and/or alcohol in a manner that may effect his/her ability to practice safely and according to the Nurse Practice Act.
  - d) The individual does not have a previous history of disciplinary action involving probation, suspension, revocation, surrender or denial of a license by any state board.
  - e) Individual has not been terminated, due to noncompliance, from any alternative to discipline by any state board or state board approved program.
  - f) Individual has no nursing practice problems involving significant harm or death to a patient.
  - g) Individual has not engaged in the diversion of drugs or other substances for the purpose of sale or distribution to others
  - h) Individual has not engaged in behavior that has high potential to cause patient harm such as diverting drugs by replacing the drug with another drug and/or unsterile solution
  - i) If the individual is under investigation by another state board, unrelated to his/her entry into CANDO, and which results in probation, suspension, surrender or revocation of licensure in another state, he/she will not be eligible to continue in CANDO and will be referred to the Board.
  - j) Individual is otherwise eligible for continued licensure.
  - k) Individual agrees to abstain from the use of alcohol and/or other potentially addicting drugs unless lawfully prescribed by a provider who is knowledgeable about his/her participation in CANDO and history of substance abuse.
  - l) Individual may not be maintained on long-term/chronic use of controlled drugs and potentially impairing medications.
  - m) Individual agrees to limit his/her nursing practice to this state only
  - n) Individual may have previously participated one time in an alternative to discipline program without relapse.

## **CANDO ADMISSION PROCEDURE**

1. Upon receipt of a complaint/self-report related to potential substance abuse concerns, a CANDO contact letter is sent to the potentially eligible licensee informing him/her of the complaint and potential eligibility for CANDO participation. If the licensee does not contact the CANDO Consultant within 10 days of the date of the letter, the complaint is forwarded for investigative assignment.
2. If, upon initial contact, the licensee acknowledges substance abuse and requests entry in to the CANDO Program:
  - A. The potential participant completes an interview and assessment with the CANDO Program Director and/or their designee and signs appropriate consents for the release of relevant information to the CANDO Program. This information may include, but is not limited to, employment records, medical records, pharmacy profiles, psychological/psychiatric treatment records and substance abuse treatment records.
  - B. The CANDO Program Consultant, following the interview, assessment and review of collateral information determines the required stipulations for participation in CANDO.
  - C. The potential CANDO participant reviews and signs the CANDO Stipulated Agreement. The effective date of the CANDO Stipulated Agreement is the date that the Stipulated Agreement is signed by the licensee and accepted by the CANDO Program Consultant/Executive Director.
  - D. Contingent upon remaining compliant and in good standings with the terms of the CANDO Stipulated Agreement, all information received regarding a CANDO participant and that relates to the CANDO Stipulated Agreement, will remain non-public. Information may be shared with other nursing regulatory boards in which the person holds licensure or seeks licensure while participating in CANDO.
3. When an individual acknowledges substance abuse and requests entry in to the CANDO Program by licensure exam, endorsement or as a transfer from an alternative to discipline program in another state, or after initiation of an investigation:
  - A. The potential participant/licensee completes an interview and assessment with the CANDO Program Director and/or their designee. The individual is expected to demonstrate substantial commitment to recovery as evidenced by participation and compliance in substance abuse treatment and a commitment to the 12 step philosophy.
  - B. The potential participant/licensee signs a Waiver of Confidentiality and the appropriate consents for the release of relevant information to the CANDO Program. This information may include, but is not limited to, employment medical records, pharmacy profiles, psychological/psychiatric treatment records and substance abuse treatment records.
  - C. The CANDO Program Consultant following the interview, assessment and review of collateral information determines the required stipulations for participation in CANDO and the potential CANDO participant signs the Stipulated Agreement.
  - D. The CANDO Program Consultant submits an Eligibility Report to the Arizona Board of

Nursing for determination of acceptance/denial of the CANDO Stipulated Agreement.

- E. The effective date of the CANDO Stipulated Agreement is the date that the signed Stipulated Agreement is accepted by the Board.
  - F. With the exception of the information contained within the Eligibility Report, upon remaining compliant and in good standings with the terms of the CANDO Stipulated Agreement, all information received regarding a CANDO participant and that relates to the CANDO Stipulated Agreement, will remain non-public. Information may be shared with other nursing regulatory boards in which the person holds licensure or seeks licensure while participating in CANDO.
4. If a CANDO participant is discharged or referred to the Board for non-compliance with the terms of the CANDO Stipulated Agreement, all information received by the CANDO Program regarding the former participant, both prior to and during their participation in CANDO, will no longer be confidential and may be used by the Board of Nursing in determining the appropriate licensure sanctions.