

## NURSE RETURN TO WORK ROLES AND RESPONSIBILITIES

RTW Issue	Nurse in Recovery	Board of Nursing/ Monitoring Programs	Chief Nursing Officer/Employer	Supervisor Worksite Monitor	Co-Worker	Professional Association/Union	Labor Representative
<b>Organizational Policy and Practice</b>	Uses health benefits to stabilize and return to work	Based on state laws and regulations establishes disciplinary & alternative-to-discipline processes to protect public safety	Develops policy toward SUD, access to assistance, employee education, management training	Requires licensed health professional responsible for interpreting and implementing organizational policy, and supervising licensee	Seeks education about peer SUD, organizational policy, and resources for assistance; understands ANA Code of Ethics	Understands ANA national policy and advocates at legislature and board of nursing	Negotiates favorable protections and benefits in contract; assists in RTW; assures fair and transparent application of organizational policy
<b>Monitoring Program Requirements</b>	Personally accountable to comply with monitoring contract; submits samples for random drug testing; participates in periodic performance reviews (evidence)	Determines eligibility for enrollment, referral, investigation of serious non-compliance reports, termination from, or completion of program as well as fitness to practice, restrictions or accommodations BON may not be involved depending on state laws	Supports manager/charge nurse in supervision role including specialized training	Understands and agrees to monitoring role; makes periodic routine reports and incident reports to monitoring program	Respects nurse peer rights; assures safe practice; learns about role in nurse SUD; engages in-service and education	Advocates for alternative to discipline option for eligible nurses and reasonable accommodations upon return to work	Understands details in monitoring agreement; attends RTW meeting and other performance meetings; assists with mutual understanding of terms of RTW contract
Monitoring requirements should be in consultation with the treatment provider							
<b>ADA Reasonable Accommodation</b>	Requests ADA status at employer, complies with restrictions in the return to work agreement; follows organizational policy to apply for reasonable accommodation when required	Defines workplace conditions that permit return to work	Follows federal guidelines to adjust work conditions to comply with the monitoring contract including narcotic medication administration, shift assignment, and supervisor report	Understands and implements the specific reasonable accommodation for enrolled licensee; clarifies with employer when there is a question	Has employee rights as well; assures safe practice; teamwork	Advocates for fair and reasonable accommodation for SUD and mental disorders	Understands employee rights and advocates for fair and transparent application of policy
<b>Confidentiality</b>	Sets personal boundary on sharing details	Protects confidentiality of nurse records in alternative program; reports discipline in public record	Only need-to-know managers/staff have access to information	Protects licensee confidentiality	Respects right to privacy; listens with open ears and protects patient safety	Advocates for strict confidentiality to protect licensee personal health record and alternative program record	Investigates when privacy violated; grieves as necessary
<b>Supervisor Readiness</b>	Proactively communicates to the supervisor to assure transparency about issues	Defines reporting role of direct supervisor and education/training requirements	Assures supervisor(s) knowledge/confidence to implement policy fairly and in timely way; requires specialty training; provides administrative support	Understands ANA Code of Ethics for Nurses as well as legal responsibilities; obtains necessary specialized training for supervision of enrolled licensee	Participates as a team member and carries a fair share of the workload	Advocates for relevant evidence-based skill training to improve skill and knowledge for supervision of nurses enrolled in disciplinary & alternative programs	Clarifies supervisor/nurse communication; clarifies intent to attend performance reviews; answers questions re: policy and contract language

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<b>Co-worker Readiness</b>	Accepts role as a team member and fair share of the workload; rebuilds trust and confidence	Encourages co-worker education about legal & ethical responsibilities of co-workers	Provides education to employees about SUD, employer policy, ethics, helpful resources	Leads team by periodic education on SUD and organizational policy; drives team safety culture through implementation of just culture	Recognizes may have a role to play in assuring a peer gets assistance, and works to support an inclusive environment when the colleague returns to work	Provides and/or sponsors education opportunities through its education programs	Provides education to members regarding general rights of nurses in recovery & employer policies or contractual language
<b>Meeting Practice Standards</b>	Seeks necessary support and training to meet standards	Investigates reports of enrolled licensee unsafe practice	Provides support and training as needed	Regularly observes or delegates observation to assure safe practice; determines if action is needed and follows through when action is warranted	Supports peer acquisition of new knowledge and skill	Advocates for adherence to safe and professional practice	Negotiates for staff access to education funds; advocates for fair application of standards
<b>Equitable and Transparent Treatment</b>	Protects personal and professional boundaries	Offers disciplinary and alternative options fairly, according to written guidelines	Proactively communicates about performance & reports substandard performance	Transparent about unit performance expectations and fairly and consistently enforces policy	Avoids judgmental attitude; supports recovery	Advocates for equitable and transparent employer enforcement of organizational policies	Advocates to protect nurse rights if performance issue

### GENERAL DEFINITIONS

Return to Work: A process among stakeholders that describes the terms, conditions, and processes when the nurse in recovery resumes or continues work as a nurse.

Substance Use Disorder: A substance use disorder (SUD) is a disorder in which the use of one or more substances leads to a clinically significant impairment or distress.

### ISSUE DEFINITIONS

- Organizational policy and practice:** Stakeholders that establish policy include: State board of nursing, the employer, and the state nursing profession association. Each has a role in defining and implementing policy. All stakeholders are influenced by organizational policies and have responsibilities related to the policy statements.
- Monitoring program requirements:** The monitoring program (alternative-to-discipline program) implements policy established by statute and licensing board administrative rules. These include licensee enrollment eligibility, board referral, self-referral, worksite practice limitations, frequency of toxicology, specialized education requirements for worksite monitors, etc.
- ADA Reasonable Accommodation:** Americans with Disabilities Act requires employers to engage in a process to make “reasonable” workplace accommodations for employees with documented disabilities, including substance use and mental disorders.
- Confidentiality:** There are two important dimensions of confidentiality for Return to Work. First, institutional responsibility to protect private patient information—the State licensing board and employer and their agents must safeguard the information. Also, the role of the nurse in recovery who can decide to voluntarily disclose information about their personal health condition.

## **NURSE RETURN TO WORK ROLES AND RESPONSIBILITIES**

5. **Worksite monitor readiness:** The worksite monitor, often a direct supervisor, has the key role of observing the nurse in recovery to determine that she/he is practicing safely and professionally. A monitoring program requirement is that supervisors who monitor employees enrolled in monitoring must be in a position to observe employee performance and to make periodic written reports on the extent to which the employee is practicing safely and professionally. Worksite monitor readiness refers to the supervisor's specialized knowledge, skill, and willingness to implement the responsibilities of the worksite monitoring role they accept to perform.
6. **Coworker readiness:** Coworkers can be affected when a team member is enrolled in a monitoring program in different ways, including a change in patient care assignments (eg, narcotics administration), shift schedule, or personal knowledge and feelings about a nurse who has enrolled in a monitoring program. Coworker readiness refers to coworker specialized knowledge, skill, and willingness to participate on a team which includes a nurse enrolled in a monitoring program.
7. **Meeting practice standards:** The primary purpose of monitoring programs is to protect the public from avoidable risk and injury due to poor performance of a nurse enrolled in a monitoring program. Therefore, the nurse's performance should be evaluated against established nursing practice standards and unit expectations.
8. **Equitable and transparent treatment:** Monitoring is a public program that must avoid arbitrary discrimination. The purpose of monitoring is to protect the public and nurses must be eligible to participate based on fairly applied criteria, and their progress monitored also with fairly applied criteria. All the information about monitoring program criteria, processes, expectations, and consequences should be transparently available to all interested parties.

Source: Oregon Nurses Foundation, Nurse Assistance Network  
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