

NEW MEXICO BOARD OF NURSING INVESTIGATIONS DIVISION



STATE INVESTIGATOR
MARCUS C. ERICKSON

STATE INVESTIGATOR
ANDREW A. LUCERO



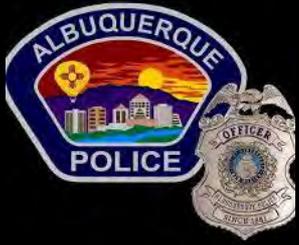
U.S. ARMY

INTRODUCTION



MARCUS C. ERICKSON

- 5 1/2 years experience with the United States Army as a Military Police Officer and an Internal Affairs Criminal Investigator in Fort Leavenworth, Kansas.
- 2 1/2 years as a Compliance Officer with the Regulation & Licensing Department (RLD) for 10 different trade and medical boards.
- National Certified Investigator and Inspector. (Advanced)
- Certified Drug Diversion Investigator/ Virginia State Police
- State Investigator with the New Mexico Board of Nursing since June 2017.



INTRODUCTION



ANDREW A. LUCERO

- Ten years experience with the Albuquerque Police Department as a Police Officer.
- National Certified Investigator and Inspector (Advanced)
- State Investigator with the New Mexico Board of Nursing Since January 2016

MISSION STATEMENT



“To protect the public safety through effective regulation of nursing care and services”.

One way the Board of Nursing accomplishes this, is by receiving complaints and disciplining licensees and certificate holders that violate the laws and rules.

PURPOSE OF TRAINING

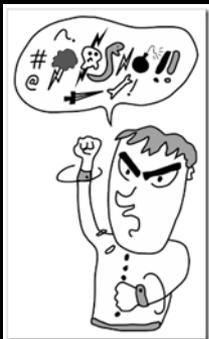
- Learn about the New Mexico Board of Nursing, understand the different types of Licenses and the variety of complaints the BON receives.
- Learn about Part 9 of the New Mexico Board of Nursing rules surrounding prescribing controlled substances.
- Learn about the Diversion Program.
- Questions & Answers



TYPES OF LICENSES

- The New Mexico Board of Nursing has nine different license/certificate types that are regulated.
- Lactation Care Provider (LCP)
- Certified Medication Aide (CMA)
- Certified Hemodialysis Technician (CHT)
- Licensed Practical Nurse (LPN) or (PN) in other states
- Registered Nurse (RN)
- Advanced Practice Registered Nurse which include, Family Nurse Practitioner, Clinical Nurse Specialist and Certified Registered Nurse Anesthetists, (APRN)
- Certified Nurse Midwives are also an APRN role, however they are regulated by New Mexico Department of Health.





COMPLAINTS

- If you have a License or Certificate with the New Mexico Board of Nursing, you may be subject to a complaint from the public.
- Your New Mexico License or Certificate also requires you to file a complaint if you observe or have knowledge of a violation of the Nursing Practice Act.
- *Rule 16.12.1.9 (C) (2) (k): failure to report a nurse(s) who is suspected of violating the New Mexico Nursing Practice Act and/or rules;*

TYPES OF COMPLAINTS



- Overprescribing Controlled Substances
- Overdose Deaths
- Patient Abuse
- Patient Abandonment
- Drug Diversion, Misappropriation of Drugs or Money
- Intoxicated While on Duty
- Engaging in Sexual Contact with a Patient / Client
- Practicing Beyond the Scope of Licensure



WHO CAN FILE A COMPLAINT?

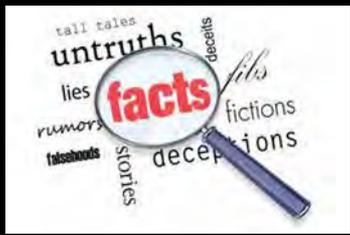


- Anyone can file a complaint with the New Mexico Board of Nursing.
- [HTTPS://NMBN.BOARDSOFNURSING.ORG/COMPLAINT](https://nmbn.boardsofnursing.org/complaint)
- The NMBON prefers online complaint submissions but phone and paper complaints may be submitted.
- The Board office does NOT accept anonymous complaints.

WHAT INFORMATION SHOULD BE IN A COMPLAINT?

- The complaint must include the name, address and telephone number of the complainant. As well as the name, address, telephone number and license number of the Nurse (if known).
- A detailed description of the alleged behavior which is suspected to have violated the Nursing Practice Act must also be provided in the complaint. The complaint should include any documentation which supports the allegations.
- All related documentation.





FRIVOLOUS OR RETALIATORY COMPLAINTS

- The New Mexico Board of Nursing receives between 300-400 complaints a year. Often times, we receive complaints from angry lovers, divorcees, former employees / employers, family members and friends.
- The Investigations Division takes the steps to verify the information included in these complaints and close those that are not credible.

PART 9 MANAGEMENT OF CHRONIC PAIN WITH CONTROLLED SUBSTANCES



- The New Mexico Board of Nursing has specific rules that pertain to prescribing opioids located in 16.12.9.1 New Mexico Administrative Code.
- 16.12.9.2 SCOPE: This rule applies to all advanced practice nurses, including certified nurse practitioners, certified registered nurse anesthetists, and clinical nurse specialists with prescriptive authority.



PART 9

CONTINUED

- 16.12.9.8 (B) Pain management for patients should include a contractual agreement, the use of drug screens prior to treatment with opiates and during the course of treatment to identify actual drugs being consumed and to compare with patients self-reports.
- 16.12.9.8 (D) The board will judge the validity of prescribing based on the advanced practice nurse's treatment of the patient and on available documentation, rather than on the quantity and chronicity of prescribing.
- 16.12.9.8 (E) The board will review both over-prescription and under-prescription of pain medications using the same standard of patient protection as a guiding principle.



IMPORTANT

PART 9



PMP REQUIREMENTS

- C. Before an advanced practice nurse prescribes or dispenses for the first time, a controlled substance in Schedule II, III, IV or V to a patient for a period greater than four days, or if there is a gap in prescribing the controlled substance for 30 days or more, the practitioner shall review a prescription monitoring report for the patient for the preceding 12 months. When available, the practitioner shall review similar reports from adjacent states. The practitioner shall document the receipt and review of such reports in the patient's medical record.
- D. A prescription monitoring report **shall be reviewed a minimum of once every three months** during the continuous use of a controlled substance in schedule II, III, IV or V for each patient. The practitioner shall document the review of these reports in the patient's medical record. Nothing in this section shall be construed as preventing an advanced practice nurse from reviewing prescription monitoring reports with greater frequency than that required by this section.
- E. An advanced practice nurse does not have to obtain and review a prescription monitoring report before prescribing, ordering, or dispensing a controlled substance in schedule II, III, IV or V:
 - (1) for a period of four days or less; or
 - (2) to a patient in a nursing facility; or
 - (3) to a patient in hospice care.



NMBON DIVERSION PROGRAM



- New Mexico Board of Nursing Diversion Program is for chemically dependent Nurses.
- The Diversion Program is to rehabilitate nurses whose competencies may be impaired because of the use and/or abuse of drugs or alcohol so that nurses can be treated and returned to or continue in the practice of nursing in a manner which will benefit the public.
- The intent of the program is to develop a voluntary, confidential alternative to traditional disciplinary actions which may include suspension or revocation of a nurse's license. Traditional, or formal, disciplinary actions are a matter of public record.



STATISTICS



- Healthcare workers are not immune to the draw of opioids.
- According to the Mayo Clinic, up to 15 percent of healthcare workers are addicted to drugs or alcohol, compared to 8 percent of the general population.
- According to the National Institute on Drug Abuse, more than 4 million practicing nurses in the US, it's estimated that over 400,000 of them, or more than 10%, are abusing substances.
- Healthcare is the second most regulated profession in the USA.



KEY POINTS

- The new philosophy rendered to the nurse addict and adopted by most Boards across the nation encourages intervention, advocacy, retention and re-entry into the workplace.
- Board of Nursing approved Drug Diversion Programs are an effective alternative to disciplinary action which would otherwise be taken against the nurse's license. Participation is confidential and voluntary.
- In other words, the record of the nurse who self reports and successfully participates in diversion programs will not be a matter of public record. The nurse has the ability to work the program and eventually return to work.
- If you see something, say something. A report to New Mexico Board of Nursing could save a patient or coworkers life.

QUESTIONS & ANSWERS



NEW MEXICO BOARD OF NURSING
"TO PROTECT THE PUBLIC THROUGH EFFECTIVE REGULATION OF NURSING CARE AND SERVICES"



MARCUS C. ERICKSON
STATE INVESTIGATOR



6301 INDIAN SCHOOL RD NE, SUITE 710
ALBUQUERQUE, NM 87110

PHONE: (505) 239-6894
E-MAIL: MARCUS.ERICKSON2@STATE.NM.US

MARCUS C. ERICKSON
MARCUS.ERICKSON2@STATE.NM.US
505-239-6894

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"TO PROTECT THE PUBLIC THROUGH EFFECTIVE REGULATION OF NURSING CARE AND SERVICES"



ANDREW LUCERO
STATE INVESTIGATOR



6301 INDIAN SCHOOL RD NE, SUITE 710
ALBUQUERQUE, NM 87110

PHONE: (505) 274-6891
E-MAIL: ANDREWA.LUCERO@STATE.NM.US

ANDREW A. LUCERO
ANDREWA.LUCERO@STATE.NM.US
505-274-6891

PLEASE CONTACT US IF YOU HAVE ANY QUESTIONS OR CONCERNS