


 Council on Licensing, Enforcement and Regulation


 **DENVER**
2009 Annual Conference
September 10 - 12

Impaired Practitioner Programs

Presenter **Sandra Whitley Ryals, Director
Commonwealth of Virginia
Department of Health Professions**


Promoting Regulatory Excellence

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HEALTH PRACTITIONERS' MONITORING PROGRAM (HPMP)


Statutory Authority: §§ 54.1-2400 and Chapter 25.1 of Title 54.1 of the *Code of Virginia*

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OVERVIEW

- The Virginia Department of Health Professions (**DHP**) implemented the Health Practitioners' Monitoring Program (**HPMP**) January 1, 1998. The **HPMP** serves as an alternative and adjunct to disciplinary action for licensees of **DHP**. **DHP** contracted with the Department of Psychiatry, Division of Addiction Psychiatry of the VCU Health System to provide program monitoring services.

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ELIGIBILITY REQUIREMENTS

- **Impairment** is defined by statute in VA as: *"any physical or mental disability which substantially alters the ability of a practitioner to practice his or her profession with safety to his/her patients and the public."*
- Participants deemed "impaired" shall hold a current, active license, certification, or registration issued by **DHP** or
- Hold a license with multi state privilege (i.e. Nurse Licensure Compact)
- Applicants for licensure, certification or registration shall be eligible for up to one year from date application received by **DHP**

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HPMP Committee

- 7 members appointed by **DHP** Director
- 4-year terms, one additional term by reappointment
- Members shall not be current members of a health regulatory board
- Committee or its designee act regarding eligibility for stay of disciplinary action
- Committee receives reports of possible violation of laws or regulation, issues related to disciplinary action or eligibility, treatment, and recovery of participants
- May report information directly to Boards

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Referral to HPMP

- DHP investigator
- Employer (under mandatory reporting requirements)
- Treatment provider
- Attorney relative to disciplinary proceeding
- Via Board Order

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PROGRAM PARTICIPATION

- Participant contract with Committee contains at least the following:
 - ✓ Provisions for withdrawal from practice, limitations on scope of practice
 - ✓ Monitoring plan
 - ✓ Consequences of noncompliance
 - ✓ Releases related to impairment
 - ✓ Length (5 yrs typical), terms for completion
 - ✓ Type, frequency, conditions of screening
 - ✓ Meetings: type, frequency
 - ✓ Self reporting requirements
 - ✓ Reporting required from employers, peers, or peer assistance program
 - ✓ Other terms deemed necessary by the Committee

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STAY OF DISCIPLINARY ACTION

Criteria:

- Practitioner has entered HPMP by written contract
- No report of possible violation of law or regulation, other than impairment or the diversion of controlled substances for personal use so long as the personal use does not constitute a danger to patients or clients
- No previous stay of disciplinary action granted
- Practitioner remains compliant with terms, testing treatment and other conditions specified in the contract with Monitoring Program Committee
- Monitoring Program Committee has consulted with the designated representative of the relevant health regulatory board to determine disciplinary action should be stayed.


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Core Monitoring Activity

- Assistance in obtaining an assessment
- Medical, psychiatric and/or substance abuse treatment needs met
- Ongoing monitoring of adherence to treatment requirements
- Screening for specified substances
- Approval of return to practice
- Work site monitoring

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Recent Changes to HPMP


- Name, previously Health Practitioners Intervention Program
- Eligibility, in particular license status
- Elimination of Secondary Monitoring for out of state practitioners
- Exploration of fee schedule for participation (no one will be denied entry because of inability to pay)
- Elimination of 24 hour call in to vendor by participants

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Participant License Categories

• Nursing	62 %
• Medicine	25 %
• Pharmacy	8 %
• Dentistry	3 %
• All other categories	2 %
Total	100 %

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