

## Narcotics Diversion And Addiction: Court Upholds License Suspension.

**A** registered nurse was charged by the Arkansas State Board of Nursing with specific violations of the Arkansas State Code. The allegations basically were that she was "habitually intemperate or ... addicted to the use of habit forming drugs" and "guilty of unprofessional conduct."

The Board of Nursing heard extensive testimony and concluded that the nurse had diverted controlled substances to herself and then had falsified medical records to reflect that the drugs had been given to patients. This had taken place at two separate facilities where she worked. Her license was suspended for three years, and special conditions were set out for her reinstatement to the practice of nursing.

The nurse disputed the propriety of the actions taken by the Board, and filed court suit to have the Board overruled. The case made it to the Supreme Court of Arkansas, which upheld the Board.

The court ruled that the only question it had to consider was whether there was substantial evidence to support the Board's finding that the nurse had diverted drugs from her employers at two separate facilities where she worked, and had made false documentation about those drugs at each facility.

The court's record revealed an interesting pattern of detective work done to uncover the distinctive trail of incriminating evidence this nurse had unwittingly left behind her. **Bohannon vs. Arkansas Board of Nursing, 895 S.W. 2d 923 (Ark., 1995).**

---

***The nurse in question left a trail of damaging evidence. Seven adulterated Demerol vials were found in the emergency room controlled substance supply, where she worked until June 30. After July 1, the pharmacy director found other vials on the med/surg unit to which this nurse was transferred, which had each been tampered with in the same distinctive manner.***

***The director of nursing did a retrospective review of this nurse's documentation of p.r.n. administration of narcotics, and found some suspicious discrepancies. Many entries failed to document an assessment before giving Demerol. Some patients had p.r.n. Demerol charted only from this nurse. Patients who were interviewed reported not getting drugs charted for them. The court found sufficient evidence to suspend this nurse's license.***

ARKANSAS SUPREME COURT, 1995..

---

## Court Rules Nurse Has Duty To Supervise And Prevent Narcotics Diversion By Nurse's Aides.

**T**he Commonwealth Court of Pennsylvania recently ruled that a licensed practical nurse working as a charge nurse has the legal duty to supervise nurse's aides working in a nursing home while the nurse is on duty. Failure to supervise aides in a proper manner resulted in a formal reprimand from the State Board of Nursing and a fine of \$1000 levied against the nurse, which was upheld by the court.

In this case a nurse's aide was accused of diversion of narcotics. Specifically, it was claimed he had been allowed to finish off a small amount of liquid Haldol remaining from the dose which the nurse had poured for a patient and had not administered.

The aide was also accused of verbally and physically harassing an elderly and infirm nursing-home patient, by flicking the patient's hat and by verbally teasing the patient, in the presence of the charge nurse, which caused the patient to experience agitation.

The court ruled that the definition of professional nursing practice includes taking responsibility for the supervision of non-professional staff providing basic auxiliary nursing-support services. **Stephens vs. Pennsylvania State Board of Nursing, 657 A. 2d 71 (Pa. Cmwlth., 1995).**