

# Diversion Narcotics Nurse

A nursing home's director of nursing suspected a staff nurse was diverting Valium and Tylenol 3 to her own use. The director began closely monitoring the medication counts of these substances and found discrepancies when the nurse in question had been on duty. The director contacted the state board of nursing.

An inspector came to the nursing home to interview the nurse who was under suspicion. She was told she was free to terminate the interview and leave, but she elected to stay. Simultaneously the nursing director went and counted her meds and compared the count to the medication administrations she had charted since the start of her shift.

Then the director came to the interview room and confronted her why a medication was missing for one of her patients. She said she had just given it.

It was a ruse. In fact the physician had changed the orders and that patient was not supposed to be getting the medication, which the nurse should have known.

The police were called. The nursing board investigator convinced them there were grounds to arrest the nurse. She was arrested, but the charges were eventually dismissed for reasons not specified.

Nevertheless, the Court of Claims of Ohio ruled there were no grounds to sue the board of nursing. A board investigator has no authority to detain a nurse for interrogation, but this nurse was not detained until arrested by the police.

When acting in good faith and within the scope of the nursing board's authority, an employee of the board is immune from a civil lawsuit. Investigating a nurse whom there is probable cause to believe is diverting controlled substances certainly is within the board's authority, the court pointed out. Halley v. Ohio Board of Nursing, 716 N.E. 2d 799 (Ohio Ct. Cl., 1999).