



**BEFORE THE IOWA BOARD OF NURSING**

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Petition by "Jane Doe," ARNP, and	)	
Trent Nelson, Attorney	)	PETITION FOR
for a Declaratory Order on	)	DECLARATORY ORDER
Iowa Admin. Code 655 Chapter 19	)	
	)	
	)	

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**I. STATEMENT OF RELATIVE FACTS**

Trent Nelson is an attorney who has represented numerous nurses facing discipline before the Iowa Board of Nursing (Board) and has referred numerous nurses into the Iowa Nurse’s Assistance Program (INAP). Mr. Nelson represents ARNP “Jane Doe” and advised her, based on the plain language of the regulations and other materials, that she would not suffer discipline from the Iowa Board of Nursing based if she was accepted into and remained compliant with the INAP contract.

Mr. Nelson no longer refers clients to INAP as the Board is pursuing discipline of INAP participants in violation of its own regulations.

On September 27, 2018, “Jane Doe,” under the guidance of Colorado counsel, entered into a settlement agreement with the Colorado Board of Nursing.

The Colorado settlement states that Ms. Doe’s employer, “... submitted a complaint to the Board regarding a concern that Respondent had a problem with alcohol according the Respondent’s self-report. [Doe’s employer] did not have complaints about Respondent’s nursing practice or behavior at work.” *See Exhibit A.*

Ms. Doe was evaluated by the company that Colorado contracts to perform such evaluation (and which administers Colorado’s version of INAP, called PAS) and that evaluation concluded

“... Respondent is not safe to practice nursing with reasonable skill and safety, without treatment and monitoring.”

Ms. Doe was offered an opportunity to avoid public discipline and maintain her license in Colorado by entering PAS but opted to take the public settlement instead. Ms. Doe’s reasons for denying PAS include the fact that she has family in Iowa and, committed to turning over a new leaf, she believed that support system would be critical in maintaining her new alcohol-free lifestyle.

While the undersigned did not represent Ms. Doe in Colorado, she was advised by Mr. Nelson that if she wished to return to Iowa and was accepted and compliant with the Nursing Assistance Program (INAP) that she would not have to face any discipline in Iowa. This advice was based on this Board’s regulations.

In accordance with Iowa regulation, Ms. Doe’s reported the Colorado discipline to the Board.

Ms. Doe concurrently applied to INAP, into which she was accepted.

Ms. Doe has remained a fully compliant participant in INAP and, as an ARNP, is a valuable member of one of Iowa’s rural community hospitals.

In late March, however, five months after Ms. Doe’s initial enrollment into INAP, the undersigned received a call from a Board investigator who advised that enforcement intends to issue public discipline against Ms. Doe based on the public settlement in Colorado.

In response, in a March 29, 2019, letter signed by the undersigned, Ms. Doe requested that the Board drop the case against her and that this Board issue a clear statement about under what circumstances this Board would seek discipline after a licensee was accepted and remained compliant with INAP. See Exhibit B.

Ms. Doe received no response from the Board.

On April 15, 2019, the same investigator contacted the undersigned and restated her intent to continue the investigation of Ms. Doe.

## II. STATEMENT OF RELEVANT AUTHORITY

The Iowa Board of Nursing rules state, “The purpose of the [Iowa Nurse Assistance Program Committee (INAPC)] is to provide a program to support the evaluation and monitoring of licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, while protecting the health, safety and welfare of the public.” Iowa Admin. Code 655 r. 19.1.

The Iowa Board of Nursing rules state, “Participation in the [INAP] does not divest the board of its authority or jurisdiction over the participant. A participant with an impairment or potential impairment may be eligible to participate in the program while being subject to investigation or discipline by the board for matters other than the alleged impairment.” Iowa Admin. Code 655 r. 19.4(5) (Emphasis added).

The Iowa Board of Nursing rules state, “Participation in the INAP shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. A participant who violates a statute or board administrative rule which is unrelated to impairment shall be referred to the board for appropriate action.” Iowa Admin. Code 655 r. 19.6. (Emphasis added).

A nurse, in reading these rules would necessarily understand that discipline by the Board will only be pursued for matters “unrelated to impairment,” or for matters which do not arise or are not connected out of the “alleged impairment.” *Id.* In Ms. Doe’s case, the settlement in Colorado was based on, “... a concern that Respondent had a problem with alcohol.” *See* Exhibit

A. Clearly; this Board is seeking to punish Ms. Doe for this settlement, which is not only related to but actually based on, the same impairment.

This Board's rules also list several bases on which the INAP committee may deny entry into the program, including other rule regulations that, at the INAP committee's discretion, may be more appropriate for discipline. Iowa Admin. Code 655 r. 19.4(5). However, the rules make clear that, "Eligibility to participate in the program is the sole discretion of the INAPC." Iowa Admin. Code 655 r. 19.4(5). While there is no argument that the INAPC has discretion who to allow into the program, this discretion does not extend to allowing this Board to sanction a participant once they have been accepted by INAP and remain compliant with the program.

In other words, this Board's rules state that once a person is accepted into INAP and remains compliant with the INAP contract, that any discipline which may otherwise have been pursued is extinguished (or at least deferred until completion of the program). This is the incentive for participants to enroll themselves in the INAP. Without this promise of avoiding public discipline, a licensee would likely be better served subjecting themselves to the disciplinary process.<sup>1</sup>

In addition to the rules established by this Board, the INAP literature leads a nurse to expect that if they are compliant with their INAP contract, that they will not have to suffer discipline.

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<sup>1</sup> It has been the undersigned's experience that individuals who accept public discipline on impairment matters must (1) endure probation for one year which includes (2) randomized drug testing (3) notification to an employer (4) quarterly reports by the employer and (5) often, ongoing therapy and/or participation in an anonymous support group. The INAP program requires a three-year commitment with all of the same requirements. The only incentive for a licensee, or the undersigned as an advisor, to pursue INAP is to avoid public discipline. If a licensee is going to be publicly punished regardless of their involvement in INAP, a licensee may as well accept public discipline and only be committed to a year of probation. There is absolutely no incentive to enter the INAP otherwise. In fact, the INAP can and has been seen by other legal professionals as merely a means to improperly induce admissions by licensees who believe they are seeking help.

The INAP Participant Handbook states: **“PARTICIPATION IN INAP IS CONFIDENTIAL as long as the nurse remains in compliance with their contract,”** and **“PARTICIPATION IN INAP DOES NOT INVOLVE PUBLIC DISCIPLINE as long as the nurse remains in compliance with their contract.”** See Exhibit D. These declarations are reproduced here (bold and in caps) just as they appear in the INAP Handbook. Iowa Nurse Assistance Program (INAP) Participant Handbook, Iowa Board of Nursing at p. 4 (no publishing date).

### **III. QUESTIONS TO BE ANSWERED AND PETITIONER’S REQUESTED ANSWERS AND BASES TO SUPPORT SAID REQUESTED ANSWERS**

**QUESTION (1) What is the standard to be used to determine whether discipline may be pursued despite a licensee’s successful participation in the Iowa Nurse’s Assistance Program?**

Requested answer and summary of basis of request thereto: Petitioners request that the Board adopt a standard which states that any otherwise actionable ground for discipline (665 IAC 4.6) against a licensee be deferred upon acceptance into the INAP program if that otherwise actionable ground is related to the licensee’s impairment and that upon successful completion of the INAP program any right for the Board to pursue discipline related to impairment will be extinguished. This is what the existing Board of Nursing regulations demand now, but it is not being employed in practice.

Petitioner could not find an adequate legal definition of “related to” to apply in this matter, but Merriam Webster defines “related” to mean “... connected by reason of an established or discoverable relation ...” or “ ... connected in some way ....” The Cambridge English Dictionary defines “related” as “... connected to, influenced by, or caused by something ....” The Oxford

Dictionary defines “related” as “Associated with the specified item or process, especially causally.” *See* Ex. E.

The Board of Nursing is requested to adopt a standard that if a licensee has been accepted into the INAP for an impairment then any discipline connected to or caused by that impairment is avoided by the licensee. In legal terms, such a “... connection or link, often a causal one ...,” is called a *nexus*. Black’s Law Dictionary, Second Pocket Edition, West (2001) at p. 474. *Id.*

*See also, State ex rel Miller v. Cutty’s* in which the Supreme Court said:

In the absence of a legislative definition, we note that the phrase “in connection with” is commonly defined as “related to, linked to, or associated with.” [citations omitted] (noting under Foreign Sovereign Immunities Act it is “well settled” an act is made “in connection with” commercial activity if there is a “substantive connection” or “causal link” between the two). It plainly has a broader reach than the phrases “arising out of,”[citations omitted]. To show an unfair practice is “in connection with” the sale of merchandise, then, the attorney general need only show some relation or nexus between the two. [citations omitted] (defining “nexus” as “[a] connection or link, often a causal one”). *State ex rel. Miller v. Cutty's Des Moines Camping Club, Inc.*, 694 N.W.2d 518, 526 (Iowa 2005).

That Court also stated, “We, therefore, concluded the statutory phrase “in connection with” should be interpreted liberally ....” *State ex rel. Miller v. Cutty's Des Moines Camping Club, Inc.*, 694 N.W.2d 518, 528 (Iowa 2005).

It is only logical, and consistent with existing regulations and case law, that if a licensee’s impairment is being treated, any potential sanctionable behavior which arose out of or is connected to that impairment should be considered treated by the monitoring of the INAP as well, which is designed to “assure safe practice.” Ex. D and Iowa Admin. Code 655 r. 19.1 (Ex. C).

For instance, if a nurse behaved incompetently because she was under the influence of a drug, then any such incapacity should be remedied if that nurse is no longer using that drug.

If a nurse stole narcotics because he was addicted to such a drug, then treating that addiction should prevent that nurse from stealing to fuel his addiction in the future.

This is especially true when as here, Ms. Doe, settled with another jurisdiction over allegation of alcohol abuse so she could return to Iowa (and her support system) and explore treatment options within the boundaries of INAP. Ms. Doe is in compliance with the numerous requirements INAP has required of her to assure that she is safely practicing while pursuing treatment. That public settlement document in Colorado arises out of and is certainly “related to,” the same impairment Ms. Doe is being treated for through INAP.

To seek discipline for that out-of-state settlement document only serves to punish Ms. Doe and offers no additional protection to the public other than what the INAP is already providing. The mission of all licensing boards in Iowa is to protect, not punish. Iowa Code § 272C.1(4). Furthermore, to take public discipline against Ms. Doe directly contradicts the language of this Board’s regulations and materials provided to all INAP participants.

**QUESTION (2) Does Iowa Admin. Code Chapter 19 allow the Board to pursue the discipline of a licensee who has been accepted into and remains compliant with Iowa Nurse’s Assistance Program based on out-of-state discipline when that out-of-state discipline is based on the same “impairment” which led to that licensee’s involvement in the Iowa Nurse’s Assistance Program? (Iowa Admin. Code 655 r. 4.6(13)(b)).**

**Requested Answer:** For all the reasons cited in the requested answer for “Question (1),” and the bases for that requested answer, Petitioners request that the answer to this question be “no.”

If the Board should state that it will discipline licensees in this situation, then Petitioners intend to request judicial review of this question as it is in violation of this Board’s own regulations, Iowa Code Chapter 17A and is otherwise void for vagueness.

The Iowa Supreme Court has said:

A civil statute is unconstitutionally vague under the due process clause of the fourteenth amendment to the United States Constitution when its language does not

convey a sufficiently definite warning of proscribed conduct, when measured by common understanding or practice. Thus, when persons must necessarily guess at the meaning of a statute and its applicability, the statute is unconstitutionally vague.” *Incorporated City of Denison v. Clabaugh*, 306 N.W.2d 748, 751 (Iowa 1981) (citations omitted).

Such regulations open the door to arbitrary and capricious enforcement actions. Iowa Code 17A.19(n).

**QUESTION (3) Does Iowa Admin. Code Chapter 19 allow the Board to pursue discipline of a licensee who has been accepted into and remains compliant with Iowa Nurse’s Assistance Program based on an allegation that a licensee has violated any of the “Grounds for Discipline” when such an allegation is related to the same “impairment” which led to that licensee’s involvement in the Iowa Nurse’s Assistance Program? (Iowa Admin Code 655 r. 4.6).**

**Requested Answer: For all the reasons cited in the requested answer for “Question (1),” and the bases for that requested answer. Petitioners request that the answer to this question be “no.”**

If the Board should state that it will discipline licensees in these situations, then Petitioners intend to request judicial review of this question as it is in violation of this Board’s own regulations, Iowa Code Chapter 17A and is otherwise void for vagueness.

The Iowa Supreme Court has said:

A civil statute is unconstitutionally vague under the due process clause of the fourteenth amendment to the United States Constitution when its language does not convey a sufficiently definite warning of proscribed conduct when measured by common understanding or practice. Thus, when persons must necessarily guess at the meaning of a statute and its applicability, the statute is unconstitutionally vague.” *Incorporated City of Denison v. Clabaugh*, 306 N.W.2d 748, 751 (Iowa 1981) (citations omitted).

Such regulations open the door to arbitrary and capricious enforcement actions. Iowa Code 17A.19(n).



**QUESTION (4) If the answer to questions No. 2 or 3 is any answer other than “no,” on what ground(s) may the Iowa Board of Nursing pursue discipline against a licensee who has been accepted into and remains compliant with the Iowa Nurse’s Assistance Program?**

**Requested Answer:** There is no requested answer to this question as there is no other answer other than those requested in Questions (2) and (3) by Petitioner’s preference, legal stance, the regulations themselves or by case law.

However, if the Board does not adopt Petitioner’s requested answer, then Petitioners do request the Board issue some statement on when or if it will pursue discipline when a licensee has been accepted into and remains compliant with INAP. Without such a statement, the imposition of discipline in these cases will be “unreasonable, arbitrary, capricious and an abuse of discretion” and will remain unconstitutionally vague.

#### **IV. PETITIONERS’ INTERESTS IN A DECLARATORY RULING**

Ms. Doe is a licensed nurse in Iowa. She is being investigated for a potential sanction of Board rules when this Board’s own rules prohibit such a sanction while she is a compliant participant in INAP. Ms. Doe should not have to suffer through a published statement of charges to defend against an action this Board’s regulations prohibit it from taking.

Mr. Nelson is an attorney who represents nurses and refers nurses to INAP. Mr. Nelson believes that INAP is a valuable program but cannot advise clients to enter into INAP unless he can evaluate his client’s best interest. The Board’s current practice of seeking a sanction of an active participant in INAP prevents such an evaluation and not only violates the Board’s own published rules and literature but provides no guidance for nurses or their representatives if discipline will be pursued against an INAP-compliant licensee. Mr. Nelson, who has stopped referring clients to INAP, has an interest in having his clients be earnest with their need for

recovery and getting the help they need through the INAP program without fear of losing their career by this Board's pursuit of inappropriate and concurrent discipline.

**V. STATEMENT INVOLVING OTHER PROCEEDINGS**

Ms. Doe entered into a settlement agreement with the Colorado Board of Nursing regarding the impairment for which she is currently seeking treatment in accordance with an contract with INAP. However, that settlement did not address whether this Board's regulations allow discipline for a person who has been accepted into and remains compliant with INAP.

Ms. Doe is currently being investigated by the Iowa Board of Nursing for settling with the Colorado Board of Nursing. However, to the undersigned's knowledge, that investigation does not address whether this Board's regulations allow discipline for a person who has been accepted into and remains compliant with INAP.

On March 29, 2019, Petitioners sent a letter to this Board requesting clarification of when the Iowa Board of Nursing could discipline a compliant participant in INAP. That correspondence specifically requested a response from this Board and none was forthcoming before the investigation into Ms. Doe resumed.

To the undersigned's knowledge, no other licensing board, including this Board, has rendered a decision on whether it may violate its regulations to sanction a compliant participant in an impairment assistance program for discipline related to, connected with and/or arising out of the impairment which is being treated.

**VI. OTHER PERSONS WITH AN INTEREST IN THESE QUESTIONS**


All licensed nurses in Iowa have an interest in these questions raised including any interest groups that represent nurses. The staff and board members of INAP have an interest in this request.

**VII. REQUEST FOR A MEETING PURSUANT TO IOWA ADMIN. CODE 655 r. 9.7**

Petitioner requests an informal meeting between petitioners and all members of the Iowa Board of Nursing per Iowa Admin. Code 655 r. 9.7 as well as any pertinent staff or board members from the Iowa Nurse's Assistance Program.

Please direct any correspondence related to this "Petition for Declaratory Order" to Attorney Trent Nelson.

Respectfully Submitted on behalf of himself and client "Jane Doe",



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Trent Nelson, Attorney (AT0009958)  
Sellers, Galenbeck and Nelson  
An Association of Sole Practitioners  
400 Locust Street, Suite 170  
Des Moines, Iowa 50309-2351  
Telephone: (515) 221-0111  
Fax: (515) 221-2702  
E-mail: [tnelson@sgniowalaw.com](mailto:tnelson@sgniowalaw.com)



I do hereby certify the foregoing to be a true copy of the document which is on file or is of record in my office

*Wend Bucher* 9/27/18  
Authorized Signature

BEFORE THE STATE BOARD OF NURSING

STATE OF COLORADO

Case Nos. 2017-5751 & 2017-6445

STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE LICENSE TO PRACTICE PROFESSIONAL NURSING IN THE STATE OF COLORADO OF \_\_\_\_\_, RN, NP, RXN, LICENSE NO. RN 123101,

Respondent.

IT IS HEREBY STIPULATED by and between the State Board of Nursing, Inquiry Panel A (the "Board"), and \_\_\_\_\_, RN ("Respondent"), as follows:

1. Respondent was licensed to practice as a professional nurse in the State of Colorado on September 20, 1999, has been licensed at all relevant times herein, and is now so licensed. On February 10, 2005, and July 16, 2008, Respondent was placed on and has remained on the Board's Advanced Practice Registry at all relevant times herein, being issued registry numbers APN.0004567-CNS and APN.0005790-NP, respectively. On October 12, 2011, Respondent was granted prescriptive authority as a nurse practitioner by the Board, being issued authority number RXN.0100250-NP, and has retained such authority at all times relevant to this matter.

2. The Board has jurisdiction over the person of Respondent and the subject matter of this Stipulation and Final Agency Order ("Order").

3. It is the intent of the parties and the purpose of this Order to provide for a settlement of all matters set forth in case numbers 2017-5751 and 2017-6445 only, without the necessity of holding a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe, or affect this Order.

4. Respondent understands that:

a. Respondent has the right to be represented by an attorney of Respondent's choice, and Respondent is so represented in this matter;

b. Respondent has the right to a formal disciplinary hearing pursuant to sections 12-38-116.5 and 24-4-105, C.R.S.;

c. By entering into this Order, Respondent knowingly and voluntarily waives the right to a hearing, admits the facts contained in this Order, and relieves the Board of its burden of proving such facts;

d. By entering into this Order, Respondent knowingly and voluntarily waives the right to present a defense by oral and documentary evidence, and to cross-examine witnesses who would testify on behalf of the Board;

EXHIBIT  
A

e. By entering into this Order, Respondent knowingly and voluntarily waives the right to seek judicial review of this Order.

5. The Board alleges:

a. Respondent was employed as a professional nurse at Colorado Pulmonary Intensivists ("CPI") in Littleton, Colorado, at all times relevant herein.

b. On or about August 30, 2017, CPI submitted a complaint to the Board regarding a concern that Respondent had a problem with alcohol according to Respondent's self-report. CPI did not have complaints about Respondent's nursing practice or behavior at work.

c. On December 12, 2017, the Board issued Respondent an Order Pursuant to Section 12-38-116.5(8)(a), C.R.S., for an evaluation with the nurse alternative to discipline program, as provided by, and also known as, Peer Assistance Services ('PAS').

d. On or about December 21, 2017, Respondent submitted to an evaluation with PAS. The evaluator concluded that Respondent is not safe to practice nursing with reasonable skill and safety, without treatment and monitoring.

e. Respondent has excessively used or abused alcohol.

6. Respondent denies the allegations in paragraph 5 above, yet acknowledges that, if the Board were to prove the allegations at hearing, it would constitute a prima facie case of conduct that would subject Respondent to discipline pursuant to section 12-38-117(1)(i) and (j), C.R.S.

7. The Board is authorized by section 12-38-116.5(4)(c)(III), C.R.S., to order appropriate disciplinary sanctions as set forth in this Order.

8. The Board is authorized to suspend, revoke, impose an administrative fine, or otherwise discipline any licensee as provided in section 12-38-108(1)(b.5), C.R.S., for any of the following:

12-38-117. Grounds for discipline. (1) "Grounds for discipline," as used in this article, means any action by any person who:

- (i) Excessively uses or abuses alcohol, habit-forming drugs, controlled substances, as defined in section 18-18-102(5), or other drugs having similar effects, or is diverting controlled substances, as defined in section 18-18-102(5), or other drugs having similar effects from the licensee's place of employment; except that the board has the discretion not to discipline the licensee if such licensee is participating in good faith in a program approved by the board designed to end such excessive use or abuse;
- (j) Has a physical or mental disability which renders him unable to practice nursing with reasonable skill and safety to the patients

and which may endanger the health or safety of persons under his care.

9. Respondent hereby permanently relinquishes the license and the right to practice as a professional nurse in the State of Colorado, and requests that this Order be accepted by the Board with the same force and effect as an Order entered as a result of a formal disciplinary hearing. The Board finds that it is in the public interest to accept said relinquishment with the full force and effect of a revocation ordered by the Board.

10. Respondent also permanently relinquishes and the Board withdraws Respondent's APN-CNS, APN-NP, and RXN-NP authorities.

11. Respondent agrees to never again apply for any type of licensure or certification granted by the Board, including, but not limited to, licensed psychiatric technician and certified nurse aide. Additionally, Respondent agrees to never practice nursing in the state of Colorado pursuant to the Nurse Licensure Compact, sections 24-60-3201 to -3301, C.R.S. Respondent tenders her professional nursing license simultaneously with the execution of this document.

12. Both parties acknowledge that the terms of this Order were mutually negotiated and determined.

13. Both parties acknowledge that they understand the legal consequences of this Order, both parties enter into this Order voluntarily, and both parties agree that no term or condition of this Order is unconscionable.

14. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by e-mail on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

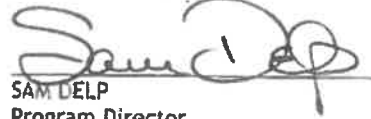
15. In the event this Order is not signed by an authorized Board representative, it shall be void and Respondent shall not be bound by any provisions hereof or admissions herein.

16. Upon becoming effective, this Order shall become a permanent part of the record and shall be open to public inspection and publicized pursuant to the Board's standard policies and procedures. Additionally, this Order shall be reported to the National Council of State Boards of Nursing, the National Practitioner Data Bank, and as otherwise required by state or federal law.

RESPONDENT

STATE BOARD OF NURSING





SAM DELP  
Program Director  
State Board of Nursing  
1560 Broadway, Suite 1370  
Denver, Colorado 80202

Approved: (This 27 day  
of September, 2018.

The FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on this 27 day of September, 2018.

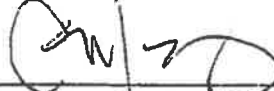
APPROVED AS TO FORM

COUNSEL FOR RESPONDENT



VICTORIA E. LOVATO  
S&D Law  
The Smith Mansion  
1801 York St.  
Denver, CO 80206  
Telephone: (303) 399-3000  
Fax (303) 3992650

CYNTHIA H. COFFMAN  
Attorney General



COLLEEN E. MOREY, NO. 40252 \*  
Assistant Attorney General  
Business and Licensing Section  
Attorneys for the State Board of Nursing  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 8th Floor  
Denver, Colorado 80203  
Telephone: (720) 508-6379  
FAX: (720)508-6037  
\*Counsel of Record

The FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on this 27 day of September, 2018.



S·G·N

SELLERS, GALENBECK & NELSON

AN ASSOCIATION OF SOLE PRACTITIONERS

March 29, 2019

Iowa Board of Nursing  
400 SW 8<sup>th</sup> Street, Suite B  
Des Moines, Iowa, 50309

**Re: Discipline of INAP Participants**

Dear Honorable Members of the Board of Nursing:

On September 27, 2018, my client, "Jane Doe," under the guidance of Colorado counsel, entered into a settlement agreement with the Colorado Board of Nursing.

The Colorado settlement states that Ms. Doe's employer, "... submitted a complaint to the Board regarding a concern that Respondent had a problem with alcohol according the Respondent's self-report. [Doe's employer] did not have complaints about Respondent's nursing practice or behavior at work."

Ms. Doe was evaluated by the company that Colorado contracts to perform such evaluation (and which administers Colorado's version of INAP, called PAS) and that evaluation concluded "... Respondent is not safe to practice nursing with reasonable skill and safety, without treatment and monitoring."

Ms. Doe was offered an opportunity to avoid public discipline and maintain her license in Colorado by entering PAS but opted to take the public settlement instead. Ms. Doe's reasons for denying PAS include the fact that she has family in Iowa and, committed to turning over a new leaf, she believed that support system would be critical in maintaining her new alcohol-free lifestyle.

While I did not represent Ms. Doe in Colorado, I did advise her that if she wished to return to Iowa, I would assist her in applying to the Iowa Nursing Assistance Program (INAP) and that if she was accepted and was compliant that she would not have to face any discipline in Iowa. This was my understanding of the program at the time, and, based on this Board's rules, still is.

In accordance with Iowa regulation, I reported Ms. Doe's Colorado discipline to enforcement on October 11, 2018. I also advised enforcement that I was referring Ms. Doe to INAP, into which she was accepted.

My understanding is that Ms. Doe has performed exceptionally as a participant in INAP and, as an ARNP is a valuable member of one of Iowa's rural community hospitals.

Last week, however, five months after her initial enrollment into INAP, I received a call from a Board investigator who advised me that enforcement intends to issue public discipline against Ms. Doe based on the public settlement in Colorado.

I am shocked and discouraged by this decision.

Ms. Doe is devastated.

Furthermore, taking such an action violates the Iowa Board of Nursing's own regulations.

### ***Legal Arguments***

This Board's rules state, "The purpose of the [Iowa Nurse Assistance Program Committee (INAPC)] is to provide a program to support the evaluation and monitoring of licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, while protecting the health, safety and welfare of the public." Iowa Admin. Code 655 r. 19.1.

This Board's rules state, "Participation in the [INAP] does not divest the board of its authority or jurisdiction over the participant. A participant with an impairment or potential impairment may be eligible to participate in the program while being subject to investigation or discipline by the board for ***matters other than the alleged impairment.***" Iowa Admin. Code 655 r. 19.4(5) (Emphasis added).

This Board's rules state, "Participation in the INAP shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. A participant who violates a statute or board administrative rule ***which is unrelated to impairment*** shall be referred to the board for appropriate action." Iowa Admin. Code 655 r. 19.6. (Emphasis added)

A nurse, in reading these rules would necessarily understand that discipline by the Board will only be pursued for matters "unrelated to impairment." *Id.* In Ms. Doe's case, the settlement in Colorado was based on, "... a concern that Respondent had a problem with alcohol." Clearly, this Board is seeking to punish Ms. Doe for this settlement which is not only related to, ***but actually based on,*** her impairment.

This Board's rules also list several bases on which the INAP committee may deny entry into the program, including other rule regulations that, ***at the INAP committee's discretion,*** may be more appropriate for discipline. Iowa Admin. Code 655 r. 19.4(5). However, the rules make clear that, "Eligibility to participate in the program is the sole discretion of the INAPC." Iowa Admin. Code 655 r. 19.4(5). While there is no argument that the INAPC has discretion who to allow into the program, this discretion does not extend to allowing this Board to sanction a participant once they have been accepted by INAP and remain compliant with the program.

In other words, this Board's rules state that once a person is accepted into INAP and remains compliant with the INAP contract, that any discipline which may otherwise have been pursued is

extinguished (or at least deferred until completion of the program). This is the carrot for participants to enroll themselves in the INAP. Without this promise of avoiding public discipline, a licensee would likely be better served subjecting themselves to the disciplinary process.

In addition to the rules established by this Board, the INAP literature leads a nurse to expect that if they are compliant with their INAP contract, that they will not have to suffer discipline.

The INAP Participant Handbook states: "**PARTICIPATION IN INAP IS CONFIDENTIAL as long as the nurse remains in compliance with their contract,**" and "**PARTICIPATION IN INAP DOES NOT INVOLVE PUBLIC DISCIPLINE as long as the nurse remains in compliance with their contract.**" These declarations are reproduced here (bold and in caps) just as they appear in the INAP Handbook. Iowa Nurse Assistance Program (INAP) Participant Handbook, Iowa Board of Nursing at p. 4 (no publishing date).

If the Board of Nursing is going to take that stance that these regulations do allow for the concurrent discipline of a compliant INAP participant, then that renders these regulations unconstitutionally vague. The Iowa Supreme Court has said:

A civil statute is unconstitutionally vague under the due process clause of the fourteenth amendment to the United States Constitution when its language does not convey a sufficiently definite warning of proscribed conduct, when measured by common understanding or practice. Thus, when persons must necessarily guess at the meaning of a statute and its applicability, the statute is unconstitutionally vague." *Incorporated City of Denison v. Clabaugh*, 306 N.W.2d 748, 751 (Iowa 1981) (citations omitted).

Such regulations open the door to arbitrary and capricious enforcement actions. Iowa Code 17A.19(n). Such regulations are also unconstitutional as applied. Iowa Code 17A.19(a).

Ms. Doe was accepted into and remains compliant with INAP based on a settlement agreement in another jurisdiction that was based on alleged impairment. Ms. Doe and, I, as her counsel, expected that once she entered and remained compliant with her INAP contract, that she would be free from punishment arising out of her Colorado settlement. Certainly, these regulations and other materials provide no warning that a person who is a successful and compliant participant in INAP should be subsequently disciplined for past actions related thereto. I, as an attorney, would not have been able to even *guess* that the Board would embrace such an interpretation.

Licensee discipline is intended to protect the public, not to penalize the person. Iowa Code §272C.1(4). The purpose of INAP is to allow a nurse to maintain their license status, "... while protecting the health, safety and welfare of the public." Iowa Admin. Code 655 r. 19.1. Presumably, this Board has faith that INAP, as a program, maintains and fosters safe patient care among its participants. Sanctioning an INAP participant like Ms. Doe does nothing more than unduly penalize her for attempting to become a better practitioner.

I would hope that once the primary mission of the Board has been achieved – protecting the public - that its next priority would be healing nurses not punishing them. As it stands, this concurrent discipline policy falls short of INAP's mission. In fact, if the Board is going to demand sanctions for INAP participants, then I question why the program exists at all.

### ***Pragmatic Concerns***

When I refer a client to INAP I encourage them to be forthcoming and take ownership of any impairment they might suffer. Not only is this important for assessment, but for recovery. Knowing that the threat of discipline lingers even once enrolled in INAP, I can no longer advise my clients be earnest in their applications to INAP but rather to treat it as an adversarial process. This undermines the rehabilitative intent of the program.

In fact, just this week, I received a call from a client who could potentially greatly benefit from INAP. With this *ad hoc* approach to disciplining INAP participants, I am now unsure whether it is in her best interest to commit herself of three years of costly monitoring and other requirements if she will end up with public discipline regardless.

Ms. Doe, who was previously excited about her progress in INAP, has now advised me that she is genuinely considering leaving the profession.

I simply cannot understand that if INAP participants are deemed safe by their compliance with the program, what purpose stacking additional discipline upon them serves. If this Board decides to discipline nurses in INAP, there will be no nurses in INAP.

### ***Relief Requested***

**(1) Please allow this correspondence to serve as a request that enforcement be directed to close any pending investigation into Ms. Doe. If the Board decides to deny this request, I would request an explanation as why the Board believes public discipline against Ms. Doe is just.**

**(2) Furthermore, I request that if the Board intends to allow INAP participants to be disciplined at all, that this Board issue a clear statement of those circumstances be published as a policy, on the INAP or Board of Nursing website and preferably (ultimately) as a regulation.**

I decided to draft a letter requesting this relief for Ms. Doe and all nurses instead of resorting to the adversarial process or declaratory order because I believe that this matter can be resolved cooperatively and more satisfactorily than if we approach this matter from opposing sides. If I can be of any help in assisting the Board regarding these matters, do not hesitate to contact me.

Iowa Board of Nursing  
March 28, 2019  
Page 5

Please do advise me of your decision and thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trent Nelson', written over a horizontal line.

Trent Nelson

CHAPTER 19  
IOWA NURSE ASSISTANCE PROGRAM

**655—19.1(272C) Iowa nurse assistance program committee.** Pursuant to the authority of Iowa Code section 272C.3(1)“k,” the board establishes the Iowa nurse assistance program committee (INAPC), formerly known as the licensee review committee, to implement the Iowa nurse assistance program (INAP). The purpose of the INAPC is to provide a program to support the evaluation and monitoring of licensees who are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, while protecting the health, safety and welfare of the public. [ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.2(272C) Definitions.**

“*Approved treatment provider*” means a licensed health care provider with board-approved expertise in substance use disorder or mental or physical health conditions.

“*Board*” means the Iowa board of nursing.

“*Contract*” means the written document executed by an applicant or licensee and the INAPC after the INAPC receives a report from an approved treatment provider, which establishes the terms for participation in the INAP.

“*Impairment*” means an inability, or significant potential for inability, to practice with reasonable safety and skill as a result of a diagnosed substance use disorder or any diagnosed mental or physical health condition.

“*INAP*” or “*program*” means the Iowa nurse assistance program.

“*INAPC*” or “*committee*” means the Iowa nurse assistance program committee.

“*Initial agreement*” means the written document establishing the initial terms for participation in the INAP.

“*Participant*” means an applicant or licensee who does any of the following: self-reports an impairment to the program, is referred to the program by the board, signs an initial agreement with the committee, or signs a contract with the committee.

“*Referral by the board*” means the board has determined, with or without having taken disciplinary action, that the applicant or licensee is an appropriate candidate for participation in the program.

“*Self-report*” means an applicant or licensee provides written notification to the committee that the applicant or licensee has been, is, or may be impaired. Information related to impairment or a potential impairment which is provided on a license application or renewal form may be considered a self-report. [ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.3(272C) Organization of the committee.** The board shall appoint the members of the INAPC.

**19.3(1) Membership.** The membership of the INAPC includes, but is not limited to:

- a. The executive director of the board or the director’s designee from the board’s staff;
- b. One board of nursing licensee who has maintained sobriety for a period of no less than two years following successful completion of a recovery program;
- c. One licensed health care provider with expertise in substance use disorders;
- d. One licensed provider with expertise in mental health; and
- e. One public member.

**19.3(2) Officers.** At the last meeting of each calendar year, the INAPC shall elect a chairperson and a vice chairperson, each of whom will begin serving a one-year term on January 1.

a. The chairperson is responsible for offering guidance and direction to staff between regularly scheduled committee meetings, including guidance and direction concerning negotiation and execution of initial agreements, contracts, and program descriptions and interim restrictions on practice, on behalf of the committee. The INAPC retains authority to review all interim decisions at its discretion.

b. The vice chairperson is responsible for providing guidance and direction to staff between regularly scheduled committee meetings if the chairperson is unavailable or unable to assist in a particular matter.

**19.3(3) Terms.** Committee members, except the executive director or designee, shall be appointed for three-year terms and shall serve for a maximum of three terms. Each term shall expire on December 31 of the third year of the term.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.4(272C) Eligibility.**

**19.4(1) Self-report.** An applicant or a licensee shall self-report an impairment or potential impairment directly to the program.

**19.4(2) Board referral.** The board may refer an applicant or licensee to the program if a complaint or investigation reveals an impairment or potential impairment and the board determines that the individual is an appropriate candidate for review by the INAPC. The board may refer a licensee to the program in a public disciplinary order or other public order.

**19.4(3) Review by the INAPC.** The INAPC will determine on a case-by-case basis whether an applicant or licensee who self-reports or is referred by the board is an appropriate candidate for participation in the program. Several factors may lead to the INAPC's determination that an applicant or licensee is ineligible to participate in the program, including but not limited to if the committee finds sufficient evidence that the applicant or licensee:

- a. Diverted drugs for distribution to third parties or for personal profit;
- b. Adulterated, misbranded, or otherwise tampered with drugs intended for a patient;
- c. Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the INAPC;
- d. Participated in the program, or similar programs offered by other states, without success; or
- e. Fails to sign a contract when recommended by the INAPC.

**19.4(4) Discretion.** Eligibility to participate in the program is at the sole discretion of the INAPC. No person is entitled to participate in the program.

**19.4(5) Authority and jurisdiction.** Participation in the program does not divest the board of its authority or jurisdiction over the participant. A participant with an impairment or potential impairment may be eligible to participate in the program while being subject to investigation or discipline by the board for matters other than the alleged impairment.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.5(272C) Terms of participation.** A participant shall agree to comply with the INAP terms of participation established in the initial agreement and contract. Participants will be responsible for all expenses incurred to comply with the terms imposed by the program. Terms of participation specified in the contract shall include, but not be limited to:

**19.5(1) Duration.** The length of time a participant may participate in the program shall be determined by the INAPC in accordance with the following:

a. Participation in the program for participants impaired as a result of a substance use disorder is set at a minimum of three years. The INAPC may offer a contract with a shorter duration to a participant who can demonstrate successful participation in another state's nurse assistance program, who can document similar experience, or who, as a board referral, has successfully completed a portion of the monitoring period established in the board order.

b. Length of participation in the program for participants with impairments resulting from mental or physical conditions will vary depending upon the recommendations provided by an approved licensed health care professional and the determination of the INAPC following review of all relevant information.

**19.5(2) Requirements.** The INAPC shall establish terms designed to meet the specific needs of the participant. The committee shall determine the type of recovery, rehabilitation, or maintenance program required to treat the participant's impairment. The contract shall provide a detailed description of the goals of the program, the requirements for successful participation, and the participant's obligations therein. The committee may establish terms specific to a participant's impairment including, but not limited to: treatment, aftercare, worksite monitoring, chemical screening, further evaluations, structured recovery meetings, therapy, and medication management.

**19.5(3) Practice restrictions.** The INAPC may impose restrictions on the license to practice as a term of the initial agreement or contract until such time as the INAPC receives a report from an approved evaluator and the INAPC determines, based on all relevant information, that the participant is capable of practicing with reasonable skill and safety. As a condition of participation in the program, a licensee is required to agree to restricted practice in accordance with the terms specified in the initial agreement or contract. In the event the licensee refuses to agree to or comply with the practice restrictions, the committee shall refer the licensee to the board for appropriate action.

**19.5(4) Noncompliance.** Noncompliance is the failure to adhere to the terms of the initial agreement or contract. Participants shall promptly notify the INAPC of any instances of noncompliance, including relapse. Instances of noncompliance shall initially be reviewed by the INAP program coordinator. The INAP program coordinator may refer instances of noncompliance to the INAPC for further review of continued participation in the program. The INAPC may refer instances of noncompliance to the board for possible disciplinary action.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.6(272C) Limitations.** Participation in the INAP shall not relieve the board of any duties and shall not divest the board of any authority or jurisdiction otherwise provided. A participant who violates a statute or board administrative rule which is unrelated to impairment shall be referred to the board for appropriate action.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.7(272C) Confidentiality.** Information in the possession of the board or the committee shall be subject to the confidentiality requirements of Iowa Code section 272C.6. Information about participants in the program shall not be disclosed except as provided in this rule.

**19.7(1)** The INAPC is authorized, pursuant to Iowa Code section 272C.6(4), to communicate information about a current or former INAP participant to the applicable regulatory authorities or impaired licensee programs in the state of Iowa and in any jurisdiction of the United States or foreign nations in which the participant is currently licensed or in which the participant seeks licensure. INAP participants must report their participation to the applicable nurse assistance program or licensing authority in any state in which the participant is currently licensed or in which the participant seeks licensure.

**19.7(2)** The INAPC is authorized to communicate information about an INAP participant to any person assisting in the participant's treatment, recovery, rehabilitation, monitoring, or maintenance for the duration of the contract.

**19.7(3)** The INAPC is authorized to communicate information about an INAP participant to the board in the event a participant does not comply with the terms of the contract as set forth in rule 655—19.5(272C). The INAPC may provide the board with a participant's INAP file in the event the participant does not comply with the terms of the contract and the INAPC refers the case to the board for the filing of formal disciplinary charges or other appropriate action. If the board initiates disciplinary action against a licensee for noncompliance with the terms of the contract, the board may include information about a licensee's participation in the INAP in the public disciplinary documents. The INAPC is also authorized to communicate information about a participant to the board in the event the participant is under investigation by the board.

**19.7(4)** The INAPC is authorized to communicate information about a current or former INAP participant to the board if reliable information held by the INAPC reasonably indicates a significant risk to the public exists. If the board initiates disciplinary action based upon this information, the board may include in the public disciplinary documents information about a licensee's participation if necessary to address impairment issues related to the violations which are the subject of the disciplinary action.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

**655—19.8(28E) Authority for 28E agreements.** The INAPC may enter into 28E agreements with other health professional licensing boards to evaluate, assist, and monitor impaired licensees from other health professions who self-report and to report to those professional licensing boards regarding the compliance



of individual licensees. In the event of noncompliance, the licensee may be referred to the appropriate licensing board for appropriate disciplinary action.

[ARC 2204C, IAB 10/28/15, effective 12/2/15]

These rules are intended to implement Iowa Code sections 272C.3(1)“k,” 272C.6(4) and 28E.4.

[Filed ARC 2204C (Notice ARC 2085C, IAB 8/5/15), IAB 10/28/15, effective 12/2/15]

# Iowa Nurse Assistance Program (INAP)



**PARTICIPANT  
HANDBOOK**

**EXHIBIT  
D**



## **Iowa Board of Nursing**

400 SW 8th St, STE B

Des Moines, Iowa 50309

(515) 725-4008 | Phone

(515) 318-9371 | Cell

(515) 725-4017 | FAX

<https://nursing.iowa.gov/> | IBON Website

<https://nursing.iowa.gov/iowa-nurse-assistance-program> | INAP Web Page





## Background Information

The INAP was established in 2016 as an initiative through the Iowa Board of Nursing. It is a confidential monitoring program for nurses who are impaired as a result of a substance use disorder or by a mental or physical condition. **INAP is a voluntary program that provides an opportunity for licensed professionals to receive treatment while maintaining their licensure status.**



## Program Objectives

**The goals of INAP are:**

- Protect the public while monitoring the nurse to assure safe practice
- Encourage early identification, entry into treatment, and entry into a contractual agreement for monitoring of compliance with treatment and practice monitoring
- Transparency to the public by providing information through policies and procedures, annual reports, and educational materials
- Facilitate nurses to maintain an ongoing recovery consistent with patient safety



## Mission

INAP shares the mission of the Iowa Board of Nursing which is to protect the public health, safety and welfare by regulating the licensure of nurses, the practice of nurses, nursing education and continuing education.



## Relationship to the Board

INAP also maintains a working relationship with the Iowa Board of Nursing. Participation in INAP is confidential as long as the nurse remains in compliance with their individualized INAP contract. Participants who satisfy the requirements of their contracts will not be reported to the Board. INAP may refer a participant to the Board if participants refuse to comply with their contract or INAP recommendations.



## Confidentiality

**PARTICIPATION IN INAP IS CONFIDENTIAL** as long as the nurse remains in compliance with their contract. Program noncompliance may result in Board notification. Board notification may result in a referral to Enforcement and possible public discipline.

## Iowa Nurse Assistance Program and Public Discipline

**PARTICIPATION IN INAP DOES NOT INVOLVE PUBLIC DISCIPLINE** as long as the nurse remains in compliance with their contract. INAP may provide the Board with participant information in the event the participant does not comply with their contract. Once a case is referred to the Board, they may opt to file formal disciplinary charges or other appropriate action. If the board initiates disciplinary action against a licensee for noncompliance with the terms of the contract, the board may include information about a licensee's participation in the INAP in the public disciplinary documents.



## Services

INAP does not directly provide treatment, diagnosis or aftercare services. Participants may choose providers to provide treatment and aftercare. INAP provides ongoing support and monitoring for those enrolled in the program. This includes coordination with the treatment team. **PARTICIPANTS ARE NOT CHARGED AN ADMINISTRATIVE FEE FOR PARTICIPATING.** Participants are responsible for all expenses incurred with treatment and monitoring during their recovery.



## Iowa Nurse Assistance Program Advisory Committee

INAP is managed by an advisory committee (INAPC) who works with the program coordinator. Committee members include the director of the Iowa Board of Nursing, substance and mental health professionals, nurses recovering from substance use, and a public member. The committee conducts meetings on a quarterly basis to review participant cases. All participants seeking entry into INAP need approval from the INAP committee. INAP also works with an Assistant Attorney General, who provide legal counsel for the program.

**Note: INAP participants should not contact committee members or the Assistant Attorney General directly. Participants should contact the INAP Coordinator with questions or concerns.**



## Eligibility



To be considered for INAP, participants must meet eligibility criteria.

**A nurse may be eligible for the program if the following apply:**

- Is a Licensed Practical Nurse, Registered Nurse, or Advanced Practice Registered Nurse
- Have a physical or mental condition affecting their nursing practice
- Use alcohol or drugs to the extent their nursing practice is affected

**The nurse must also:**

- Voluntarily agree to enter the program and provide consent for appropriate medical/psychiatric evaluations
- Follow all recommendations of the evaluator
- Agree to the terms set forth in the agreement and or contract

**Entry into the program is at the sole discretion of the INAP Committee.**



## Ineligibility



Several factors may lead to the INAPC's determination that an applicant or licensee is ineligible to participate in the program.

**These may include (but are not limited to), if the committee finds sufficient evidence that the applicant or licensee:**

- Diverted drugs for distribution to third parties or for personal profit
- Adulterated, misbranded, or otherwise tampered with drugs intended for a patient
- Provided inaccurate, misleading, or fraudulent information or failed to fully cooperate with the INAPC
- Participated in the program, or similar programs without success
- Failed to sign a contract when recommended by the INAPC

**Ineligibility is determined by the INAP Committee**



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**EXHIBIT**  
**E**

# related

adjective

re·lat·ed | \ ri- 'lā-təd

## Definition of related

- 1 : connected by reason of an established or discoverable relation
- 2 : connected by common ancestry or sometimes by marriage
- 3 : having close harmonic connection —used of tones, chords, or tonalities

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## Other Words from related

relatedly adverb  
relatedness noun

## Synonyms & Antonyms for related

Synonyms

affiliated, akin, allied, kindred

Antonyms


unrelated

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## Examples of related in a Sentence

ancient history and other *related* subjects I just found out that my best friend and I are *related* through distant cousins.



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related

*adjective*



## English Language Learners Definition of *related*

: connected in some way

: in the same family

: belonging to the same group because of shared characteristics, qualities, etc.

See the full definition for *related* in the [English Language Learners Dictionary](#).

related

adjective

re·lat·ed | \ ri- 'lā-tad\

## Kids Definition of *related*

- 1 : sharing some connection painting and the *related* arts
- 2 : connected by common ancestry or by marriage We call her “auntie,” but we’re not actually *related*.
- 3 : connected by a usually distant common ancestor and typically sharing similar characteristics Horses and zebras are *related*.

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# related

*adjective* [ not gradable ] • US  /rɪˈleɪ.tɪd/

★ **belonging to the same family:**

*Of course Elise and Linda are related – they're cousins.*

*José and Alfonso are related by marriage.*

**related** *adjective* [ not gradable ] (CONNECT)

★ **connected:**

*We discussed inflation, unemployment, and related issues.*

*They invested in technology-related companies.*

## "related" in English

Search English

# related

adjective • UK  /rɪˈleɪ.təd/ US  /rɪˈleɪ.təd/

**related** adjective (CONNECTED)

★ B2 **connected:**

*We discussed unemployment and related issues.*

*Experts believe that the large number of cancer cases in the area are **directly** related to the new nuclear power station.*

— More examples

*Every new job that is created spins off three or four more in related fields.*

*Platinum combines with phosphorus and arsenic and is seldom found without an admixture of related metals.*

*The lecturer temporarily digressed from her subject to deal with a related theory.*

*They're distantly related.*

*English and German are closely related.*

+ Thesaurus: synonyms and related words

**related** adjective (FAMILY)

★ B2 **If people are related, they belong to the same family:**

*She claims she is related to royalty.*

*Jim and I are related by marriage.*

- ★ **If different types of animal are related, they come from the same type of animal:**

*The cat and the lion are related species.*

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Cambridge Advanced Learner's Dictionary & Thesaurus © Cambridge University Press

## "related" in Business English

### related

adjective • UK  /rɪˈleɪtɪd/ US 

- ★ **connected to, influenced by, or caused by something:**

*related costs/expenses* Customers will be responsible for repaying the entire loan amount as well as all related costs and fees.

*related products/services* We currently have around 300 job openings in sales and related services.

*related activities/causes/causes* Mining and related activities remain at the centre of the South African economy.

*be related to sth* Overall financial performance has been adversely affected by a slowdown in demand that is related to a cooling economy.

*Cutting the emergency-loan rate will not be enough to solve all of the problems related to current conditions in the credit markets.*

- > **-related**

- ★ **used to describe what something is connected with:**

*Stocks fell as the US dollar's plunge against the yen sent export-related issues tumbling.*

*profit-related bonuses*



Search English

• • • • •

**job-related**

**performance-related**

**tax-related**

**work-related**

(Definition of "related" from the Cambridge Business English Dictionary © Cambridge University Press)

### Translations of "related"

in Chinese (Traditional)

有關的, 有聯繫的, 相關的...



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### What is the pronunciation of related?





DICTIONARY   related

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Definition of *related* in English:

# related



ADJECTIVE

WORD OF THE DAY

DICTIONARY

related



MENU





489 U.S. 288, 109 S.Ct. 1060 (1989).  
See HABEAS CORPUS.

**newspaper of general circulation.** A newspaper that contains news and information of interest to the general public, rather than to a particular segment, and that is available to the public within a certain geographic area. • Legal notices (such as class-action notices) are often required by law to be published in a newspaper of general circulation.

**new trial.** A postjudgment retrial or reexamination of some or all of the issues determined in an earlier judgment. • The trial court may order a new trial by motion of a party or on the court's own initiative. Also, when an appellate court reverses the trial court's judgment, it may remand the case to the trial court for a new trial on some or all of the issues on which the reversal is based. See Fed. R. Civ. P. 59. See MOTION FOR NEW TRIAL; REMAND.

**New York Stock Exchange.** An unincorporated association of member firms that handle the purchase and sale of securities both for themselves and for customers. • This exchange, the dominant one in the United States, trades in only large companies having at least 1 million outstanding shares. — Abbr. NYSE.

**New York Supplement.** A set of regional lawbooks that, being part of the West Group's National Reporter System, contain every published decision from intermediate and lower courts of record in New York, from 1888 to date. • The first series ran from 1888 to 1937; the second series is the current one. — Abbr. N.Y.S.; N.Y.S.2d.

**New York Times rule.** A common-law sense rule of ethical conduct holding that one should not do anything arguably newsworthy — in public or in private — that one would mind having reported on the front page of a major newspaper. • In various communities, a local newspaper is substituted for the *Times*. See *actual malice* under MALICE.

**next eventual estate.** See ESTATE.

**next friend.** A person who appears in a lawsuit to act for the benefit of an incompetent or minor plaintiff, but who is not a party to the lawsuit and is not appointed as a guardian. Cf. *guardian ad litem* under GUARDIAN.

**next of kin.** 1. The person or persons most closely related to a decedent by blood or affinity. 2. An intestate heir — that is, the person or persons entitled to inherit personal property from a decedent who has not left a will. See HEIR.

**nexus.** A connection or link, often a causal one. Pl. **nexus**, **nexus**.

**nexus test.** The standard by which a private person's act is considered a state action — and may give rise to liability for violating someone's constitutional rights — if the conduct is so closely related to the government's conduct that the choice to undertake it may fairly be said to be that of the state. • While similar to the symbiotic-relationship test, the nexus test focuses on the particular act complained of, instead of on the overall relationship of the parties. Still, some courts use the terms and analyses interchangeably. Cf. SYMBOLIC-RELATIONSHIP TEST. See JOINT PARTICIPATION; STATE-COMPULSION TEST.

**night.** 1. The time from sunset to sunrise. 2. Darkness; the person's face is not illuminated. This definition was used in *Common-law* definition of crimes, such as burglary, which requires entry within a few minutes after sunset and exit before sunrise, or a statute requiring specific search for night searches. Cf. DAY.

**nihil dicit (ni-hil di-sit),** a Latin phrase meaning "says nothing." 1. The defendant to answer a lawsuit. 2. *nihil-dicit default judgment* under FAULT JUDGMENT.

**nihil est (ni-hil est),** [Latin for "nothing"] A form of return by a sheriff or constable who was unable to serve a writ because nothing was found to levy on. Cf. NULLA TENETUR IN FRUSTRUM.

**nil (nil).** [Latin] Nothing. The word is a contracted form of nihil.

**nil-dicit default judgment.** FAULT JUDGMENT.

**nimmer.** A petty thief; pillow-stealer.

**Nineteenth Amendment.** The constitutional amendment, ratified in 1920, providing that a citizen's right to vote cannot be denied or abridged in the United States, or by any state, on the basis of sex.

**ninety-day letter.** Statutory notice of a tax deficiency sent by the IRS to a taxpayer. • During the 90 days following receiving the notice, the taxpayer must pay the taxes (and, if the taxpayer seeks a refund) or challenge the deficiency in tax court. IRC (26 U.S.C.)