



# Substance Abuse Policy

**Policy Owner: Employee Health-AUMC**

## **POLICY STATEMENT**

AU Health System (AUHS) is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any AUHS employee illegally uses drugs on or off the job, comes to work under the influence of drugs or alcohol, or possesses, distributes or sells drugs in the workplace.

It is a violation of AU Health System policy for any employee to:

- use, possess, sell, trade offer for sale, or offer to buy illegal drugs/pharmaceuticals or otherwise engage in the illegal use of drugs on or off the job.
- report to work under the influence of illegal drugs or to have illegal drugs in their possession.
- report to work under the influence of or impaired by alcohol.
- use prescription drugs illegally, i.e., to use prescription drugs that have not been legally prescribed, or to use them in a non-prescribed regimen, or in any manner that results in impairment.
- report to work impaired even from legally prescribed medications.

**Note:** Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to Employee Health and Wellness, Human Resources, if the use could impair their ability to perform the job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their job safely and properly while taking prescription or nonprescription legal drugs.

## **AFFECTED STAKEHOLDERS**

*Indicate all entities and persons within the Enterprise that are affected by this policy:*

- Hired Staff
- House Staff/Residents & Clinical Fellows
- Leased staff
- Medical Staff (includes Physicians, PAs, APNs)
- Vendors/Contractors
- Other: Volunteers

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**Policy No.:** 116

**Version:** 2

**Policy Sponsor:** Vice President, Human Resources

**Originally Issued:** 06/17/2014

**Last Revision:** 09/05/2018

**Last Review:** 09/24/2018

**Next Review:** 09/24/2021

## DEFINITIONS

**Business days** – Monday through Friday, excluding all designated AUHS holidays.

**Employee Assistance Program (EAP)** – a formal program of intervention and assistance for employees with personal issues.

**Indications of substance abuse** – may include but are not limited to symptoms such as repeated unscheduled absences, repeated illnesses, injuries, accidents, or mistakes, bloodshot eyes, slurred speech, lethargic behavior, rapid weight loss, behavior inappropriate or inconsistent with the workplace, or odor of alcohol.

**Medical Review Officer (MRO)** – Medical Director of Employee Health and Wellness or an appropriate designee.

**Negative test results** – scientifically analyzed test results that do not reach the threshold detection level as established by AUHS, a Reference Laboratory or those tests reported negative after review by the Medical Review Officer.

**Non-negative results** – scientifically analyzed test results in which additional information from the employee/candidate and Medical Review Officer are necessary to determine outcome of results.

**Pre-employment testing** – a drug screen performed on finalist job candidate as part of a contingent offer of employment

**Positive test results** – test results that reach the threshold detection level on confirmatory testing as established by AUHS and/or an accredited CAP-FDT/SAMHSA Reference Laboratory, which have no plausible alternative medical explanation after review by the Medical Review Officer. The use of any form of non-pharmaceutical grade cannabinoid and/or cannabis related products will not be considered a plausible alternative medical explanation for the presence of THC. See **NOTE:** under **OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS**

**Post-accident testing** – a drug screen conducted on employees following any incident involving the use of a vehicle while working, regardless of who is at fault, or whether or not it results in injury to any person or damage to any vehicle/property, any on-the job injury, or any property damage or loss.

**Random testing** – a drug screen conducted on an employee, department, unit, selected on an anonymous basis through an established methodology of employee population each year. All employees are subject to unannounced random drug and/alcohol testing.

**For cause testing** – a drug screen performed when an employee exhibits abnormal conduct, erratic behavior, significant deterioration in work performance, other symptoms or manifestations of being impaired due to substance or alcohol abuse. Rationale for conducting a for-cause test must be based on specific objective and articulated facts and/or if the employee has a significant discrepancy in narcotic documentation. Testing must be approved by the Director of Employee Relations, Vice President for Human Resources, or Employee Assistance

Program (EAP) Counselor. The administrator on call may request a for cause test after business hours.

**Reference Laboratory** – a laboratory, selected by AUHS, which is accredited by the Substance Abuse and Mental Health Services Administration (SAMHSA) or the College of American Pathologists Forensic Drug Testing (CAP-FDT). An employee being tested may not select the laboratory.

**Substance abuse** – excessive or inappropriate use of any drug, legal or illegal, including alcohol, over the counter, or prescription drugs where use is not in conformance with prescription requirements, or circumstances where use is not permitted or methods used for obtaining prescriptions were outside the patient/physician relationship.

**Substance abuse test** – a test for the presence of drugs or agents (legal or otherwise) of urine and/or blood conducted by applicable scientific and/or medical methodology. The following substances will include, but are not limited to, alcohol (ETOH), amphetamines, cocaine, THC, Oxycodone, Phencyclidine, and Propoxyphene, Opiates (true opiates are naturally occurring morphine, codeine, hydrocodone, hydromorphone heroine, etc.). In addition, if an administrative need exists, other analytes deemed pertinent based on testing needs may be added.

**Supervisor** – any individual employed by AUHS who works in a supervisory and/or management position.

**Unauthorized drug** – illegal drug or drug for which there is no medical justification.

**Validity testing**- testing performed at collection and analysis to ensure a valid specimen has been provided by the donor, to include but not limited to collection temperature, creatinine and pH. Validation may also include specific gravity and adulterant testing of the specimen as warranted.

## **PROCEDURES**

### **CONFIDENTIALITY**

Substance abuse testing enables AUHS to create a safe patient care and work environment, as well as to comply with requirements of accreditation, insurance and government agencies. Forensic Administrative substance abuse testing is an employer requirement; it is not pursued for the proposed medical evaluation or treatment. The results of AUHS initiated substance abuse testing is released upon required donor consent to the Director of Employee Relations or Vice President for Human Resources, and is maintained in the employee's record in Employee Health and Wellness Services, Human Resources. The confidentiality of any information received by AUHS through a substance abuse testing program is maintained in accordance with applicable state and federal laws.

### **EMPLOYEE TESTING**

AUHS has adopted testing practices to identify employees who use illegal drugs on or off the job or who abuse alcohol on the job. It is a condition of employment for all employees to submit to substance abuse testing. Refusal to participate or failure to complete any step of the testing process results in discharge. AUHS reserves the right to test for any potential intoxicant or

pharmaceutical products including additions/add-ons for synthetics and other potential substances deemed a safety risk by the MRO.

### **POST-OFFER TESTING**

Once an offer of employment has been extended to a job candidate, he/she will be scheduled to undergo testing for the presence of legal/illegal drugs and alcohol as a condition of employment. An offer of employment to a candidate with a verified positive test will be rescinded. If lab personnel responsible for substance abuse testing have reasonable suspicion to believe the job-candidate has altered, adulterated, or substituted the specimen, the candidate will no longer be considered for employment. This is also considered a refusal to test.

- Recollections may only be recommended by the lab, if a recollection is recommended, the decision to retest is at the discretion of the Medical Review Officer (MRO). Recollections may not be requested by the job candidate.
- Recollections must be made within twenty-four (24) hours of notification to the job candidate.
- Failure to meet the recollection requirements is considered as a refusal to test and will result in withdrawal or cancellation of an employment offer.
- A maximum of two recollects is accepted. After this, if necessary the original and/or recollected specimens may be analyzed directly at the level of detection by instrumentation.
- Specimens and recollections are accepted only through Employee Health and Wellness, Human Resources Monday through Friday 7:00 AM – 5:00 PM. Given the period of notification, recollects may be directed to the Emergency Department after hours and/or during weekends and holidays.
- Candidates are advised to disclose and provide copies of prescription medications to the collector during testing.
- Positive test results render the candidate ineligible for employment. Candidates may apply and be considered for future employment following a one year waiting period. The waiting period to reapply may be waived if the candidate provides appropriate documentation to support successful rehabilitation efforts to Employee Health and Wellness, Human Resources.

### **RANDOM TESTING**

Random testing may also be conducted for all AUHS employees without individualized suspicion of a violation of AUHS's substance abuse policy. Selection is made by neutral criteria established by the Vice President for Human Resources so all employees eligible for testing have an equal opportunity of being tested. Employees working with sensitive data, and/or in high-risk areas such as the OR, ER, etc., will be tested. If an employee refuses to participate in post-accident, follow-up, random drug testing, or if laboratory personnel have reasonable suspicion to believe the employee has substituted or adulterated the specimen, he/she will be immediately discharged.

### **FOR CAUSE TESTING**

For Cause testing is based on evidence an employee is using or has used drugs or alcohol in violation of the AUHS policies. For Cause testing is based on specific objective and particular facts and reasonable inferences drawn from those facts in light of experience. Facts and inferences are based upon but not limited to the following:

- Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;

- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- A report of substance abuse provided by a reliable and credible source;
- Evidence an individual has tampered with any substance abuse test during his/her employment;
- Information an employee has been involved in, or contributed to an accident while at work; or
- Evidence an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating AUHS's vehicles, machinery or equipment.
- Any reports of mishandling or potential diversion of controlled pharmaceuticals while working within AUHS.

An employee reporting to work who is assessed as impaired is deemed unable to properly perform his/her required duties and will not be allowed to work. If possible, the employee's supervisor first seeks another supervisor's opinion to confirm the employee's status. The supervisor then consults privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the supervisor, the employee is considered impaired, the employee's supervisor or a designee immediately completes the For Cause Testing Form for Supervisors and obtains authorization for substance abuse testing from the Director of Employee Relations, Vice President for Human Resources, or Employee Assistance Program (EAP) Counselor. Once obtained, the employee is escorted to Employee Health and Wellness, Human Resources, for substance abuse testing. Impaired employees are not allowed to drive. If the employee is unable to secure alternate transportation, Human Resources will contact AU Public Safety to assist for making necessary arrangements to protect the safety of the employee and the public. If an employee leaves and refuses alternate transportation, Human Resources will notify AU Public Safety.

**AFTER BUSINESS HOURS**

If there is a need for a For Cause test after hours (5:00 PM until 7:00 AM to include weekend and holidays), the employee's supervisor contacts the Nursing Supervisor. The Nursing Supervisor then consults privately with the employee to determine the cause of the observation, including whether substance abuse has occurred. If, in the opinion of the Nursing Supervisor, the employee is considered impaired, the employee's supervisor or a designee immediately completes the For Cause Testing Form for Supervisors and obtains authorization for substance abuse testing from the administrator on call. Once obtained, the employee is escorted to the Emergency Department for forensic (Chain-of-Custody) substance abuse testing. Impaired employees are not allowed to drive. If needed, the Nursing Supervisor contacts Safety and Security. Safety and Security staff makes the necessary arrangements to protect the safety of the employee and the public. The Nursing Supervisor's For Cause Testing Checklist is used to ensure consistency.

**POST ACCIDENT TESTING**

When employees have been involved in or contributed to an on-the-job accident or injury to themselves or others, they may be required to undergo substance abuse testing. AUHS may also send employees for a substance abuse test if they are involved in on-the-job accidents where personal injury or damage to AUHS property occurs.

## **ALCOHOL ABUSE**

An employee who is under the influence of alcohol at any time while on duty or at any time during the hours of the employee's work day or on AUHS property is guilty of misconduct and subject to discipline up to and including discharge.

An employee is determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol, or if the employee has a blood alcohol level of .04 or higher. Failure to consent to substance abuse testing and evaluation is considered sufficient cause for immediate termination.

## **OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS**

The laboratory reports test results to the MRO. The laboratory transmits results within a reasonable length of time and in a manner that ensures confidentiality of all employee information. Substance abuse testing is collected from 7:00 AM – 5:00 PM at Employee Health and Wellness, Human Resources Monday through Friday, and after 5:00 PM until 7:00 AM to include weekends and holidays in the Emergency Department.

Anyone who has non-negative test results will be removed from the workplace. The employee will be placed on administrative leave until such time as the test results have been verified and determined by the MRO.

Employees and job candidates who have non-negative test results may explain or contest the results to the health system within five (5) business days after the health system contacts the employee or job candidate confirming non-negative test results. Candidates are advised to bring prescription medications with them for documentation purposes. When the MRO verifies a test result as negative, there may continue to be a safety concern noted by the MRO. The MRO will notify Employee Relations of this safety concern.

NOTE: The AUHS lab is accredited by the College of American Pathology and has adopted the standards set forth by the accrediting body for screening and detection limits. Asserting exposure to second-hand smoke as a reason for a positive test result, will not be considered a scientifically viable defense.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

AUHS offers an Employee Assistance Program (EAP) for employees. EAP provides confidential assessment, referral and short-term counseling for employees who need or request it. If an EAP referral to a treatment provider outside the EAP is necessary, costs may be covered by the employee's medical insurance, but the cost of such outside services is the employee's responsibility. Confidentiality is assured. No detailed information regarding the nature of the employee's problem is made available to the employee's supervisors nor is it included in the employee's personnel file. The EAP is a process used in conjunction with taking appropriate disciplinary action; it is not an alternative or a substitute for discipline. The EAP program is available to employees who voluntarily seek treatment and those returning to work who have successfully completed treatment and are in recovery.

The EAP Counselor evaluates an employee, who has voluntarily entered a rehabilitation program due to substance abuse and completed treatment successfully, before allowing the employee to return to work. After treatment, the employee is evaluated by the EAP Counselor for return to duty and completes a rehabilitation contract. The EAP Counselor provides the information regarding the employee's work status.

Substance abuse testing is conducted as part of the recovering employee's rehabilitation contract and on a random basis as determined by the EAP Counselor. Such testing may be conducted by AUHS or an alternative accredited site if approved by the EAP Counselor. If the treatment site provides testing via an accredited lab, the returning employee must consent for the treating facility to submit any test results to the MRO for AUHS for validation of testing purposes.

### **REPORTING TO THE PROFESSIONAL LICENSING BOARD**

For all licensed professionals, there are instances where the Director of Employee Relations is notified immediately including, but not limited to, the following: Narcotic Diversion, Positive Substance Abuse Test Results, Sentinel Event with malice or intent to harm, and/or Working beyond the Scope of Practice. The Director of Employee Relations is responsible for initiating written notification to the Georgia Licensing Board. The Director of Employee Relations, in conjunction with the clinical leadership investigating the incident (if applicable), makes the decision to report the event if the event warrants that level of reporting based on the facts obtained in the investigation. The unprofessional conduct behaviors defined by the Georgia Board assist in guiding the decision to report. Likewise, licensed professional employees are required to self-report and notify Employee Relations, Human Resources immediately including, but not limited to, instances of impairment on the job.

Upon notification of incident by the supervisor, the Director of Employee Relations forwards a Reporting to the Georgia Professional Licensing Board Summary of Incident Report to the supervisor for completion. The supervisor completes the form and returns it to the Director of Employee Relations. The Director of Employee Relations notifies the Chief Nursing Officer and Director of Pharmacy if there are incidents involving drug discrepancies. The Director of Pharmacy is responsible for notifying the Georgia Board of Pharmacy as required. The Chief Nursing Officer is also notified of other events requiring reporting such as behavioral problems. Using the guidelines mentioned above, and the information obtained from the supervisor incident report (if applicable), the Director of Employee Relations writes a letter to the Georgia Licensing Board, summarizing the information gathered during the investigation. The employee does not need to be informed of the filing of this information with the Georgia Licensing Board, although he/she is given the option of self-reporting. The letter is still filed with the Board even if employee chooses to self-report.

### **RESPONSIBILITY**

It is the responsibility of AUHS management staff to counsel employees whenever they see changes in performance or behavior that suggests an employee has a substance abuse issue. Although it is not the supervisor's job to diagnose personal problems, the supervisor encourages such employees to seek help and advise them about available resources for getting help. Everyone shares the responsibility for maintaining a safe work environment, and co-workers should encourage anyone suspected of having substance abuse issue to seek appropriate help.

### **REFERENCES, SUPPORTING DOCUMENTS, AND TOOLS**

For Cause Testing Form for Supervisors  
Nursing Supervisor's For Cause Testing Checklist  
Reporting to the Georgia Professional Licensing Board Summary of Incident Report

### **RELATED POLICIES**

[Employee Assistance Program Policy](#)

[Rules of Conduct Policy](#)

**APPROVED BY**

Chief Executive Officer, AU Medical Center

**Date:** 09/24/2018