

Standards
CoxHealth

Title:	Drugs & Alcohol in the Workplace	Standard #:	F02
Submitted By:	Human Resources Operations	Last Reviewed:	12/04, 12/06,7/11
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Approved By:	John Hursh, Vice President Human Resources	Standards Committee Approved Date:	9/11
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I. Purpose:

This policy was established to support a safe, drug-free work environment. Our responsibility to provide safe, quality care makes it essential for CoxHealth to have clear policies and effective programs to prevent substance abuse in the workplace. While this policy covers most aspects of substance abuse, CoxHealth reserves the right at its sole discretion to take such action as it deems appropriate and necessary to protect patient and employee safety. This policy is not designed to affect the lawful use of alcohol or prescription medication as long as the use does not result in an employee being impaired On the Job.

For Information regarding when alcohol is allowed at a CoxHealth event, please see the standard titled “Alcoholic Beverages at CoxHealth Sponsored Events”.

II. Policy:

A. Definitions

1. Illegal Drugs

Illegal drugs include any and all drugs or controlled substances which are not legally obtainable: legal drugs obtained illegally; illegally, and any drugs including prescription or over-the-counter medications that are not used for their intended purpose or are used in a manner other than prescribed.

2. Cutoff Level

Is the defined lab value used to determine the presence or absence of the drugs or drug metabolites.

3. Unauthorized Prescriptions, Drugs or Medications

Unauthorized drugs or medications include: drugs taken from someone else’s prescription; or for purposes not as prescribed; or in dosages other than prescribed or in manner that may impair the employee’s ability to safely perform his/her job.

4. Positive Test

Is a drug test verified by a confirmatory methodology and medical review.

5. Controlled Substances

Drug(s) and other substance(s) controlled or regulated by state or federal laws because of the potential for abuse.

6. On the Job

Whenever the employee is on CoxHealth’s property, including parking lots and various health care system locations at any time, on other work sites where employees may be assigned during

work hours or is attending a work-related conference, serving as a representative for CoxHealth, driving or riding as a passenger while in a CoxHealth’s vehicle, driving or riding as a passenger in a personal vehicle and while performing or traveling for CoxHealth business, or while an employee is receiving pay for being “on call” but not on CoxHealth property.

7. Under the Influence

Presence of illegal drug(s), legal drug(s), and/or alcohol that may impair the ability to perform the essential functions of one’s job.

8. Medical Review

A credentialed Medical Review Officer will provide independent impartial review for accuracy and integrity of the drug testing process to analyze positive results. Determination as to whether there is a legitimate medical explanation for a positive drug screen result will be determined by the Medical Review Officer.

9. Impaired

The employee is affected by a drug, alcohol, or both in a detectable manner where such use or influence may affect the employee’s performance or the safety of the employee, co-workers, patients or members of the public.

10. Diversions

Utilization and/or possession of any medications belonging to CoxHealth intended for patients.

11. Definition of Test Substances

CoxHealth’s drug testing will include those drugs tested for under the Department of Health and Human Services federally mandated program, plus alcohol or other controlled substances as may be deemed appropriate based upon their potential for abuse. Considerations for potential abuse includes, but shall not be limited to current availability or popularity of specific controlled substances in the hiring locality and availability of specific controlled substances to specialized workforce personnel.

The protocols for specimen collection and testing shall be modeled after those established by the Department of Health and Human Services (HHS). Testing for drugs or substances, for which HHS/SAMHSA has not established guidelines, shall be done according to protocols established as currently acceptable to the scientific forensic community.

Below is a listing of those substances that may be tested for along with their confirmatory cut-off levels. This list is not intended to be inclusive of all drugs that may be tested for.

Post Offer Testing (10 Panel)		Reasonable Cause/ Employee Injury Testing	
<u>Substance</u>	<u>Confirmation Threshold</u>	<u>Substance</u>	<u>Confirmation Threshold</u>
Amphetamines	500 ng/ml	Amphetamines	500 ng/ml
Phencyclidine	25 ng/ml	Barbiturates	200 ng/ml
Opiates	2,000 ng/ml	Benzodiazepines	200 ng/ml
Cannabinoids	15 ng/ml	Marijuana Metabolite	15 ng/ml
Cocaine	150 ng/ml	Cocaine Metabolite	150 ng/ml
Benzodiazepines	300ng/ml	Opiates	
Methadone	300ng/ml	Codeine	300ng/ml
MDMA	500ng/ml	Morphine	300ng/ml
Barbituates	300ng/ml	Hydrocodone	300ng/ml
Methamphetamine	500ng/ml	Hydromorphone	300ng/ml
mAMP	500ng/ml	Meperidine	100ng/ml
Methamphetamine		Normeperidine	100ng/ml
mAMP	1000ng/ml	Methadone	200ng/ml
		Phencyclidine	25ng/ml
		Propoxyphene	200ng/ml
		Oxycodone	100ng/ml

B. Employee Responsibilities

To maintain employment at CoxHealth, the following responsibilities are to be met:

1. Newly hired employees must sign an acknowledgment they have been informed and received a copy of CoxHealth's "Drugs and Alcohol in the Workplace" policy.
2. Employees shall not use or possess an open container of alcohol while on CoxHealth's premises or while on the job.
3. Employees shall not have in their possession a controlled substance while On the Job unless prescribed for that person. If the authorized container is not available, proof of prescription must be reasonably available upon request.
4. Employees shall not store in a locker, desk, automobile, or other repository on CoxHealth's premises any illegal drug(s) or alcohol. (This does not include bringing alcohol to the work site in a privately owned vehicle and leaving it there without accessing it during the work day.) Employees shall not use an open container of alcohol while on CoxHealth's premises or while On the Job.
5. Employees shall not refuse to consent to testing or refuse to submit a urine or sample for testing when requested by management, based upon a reasonable suspicion. Employees shall not substitute, dilute or otherwise alter their urine drug sample.
6. Employee shall not refuse to submit to a search when requested by management based upon a reasonable suspicion that an employee is in possession of Illegal Drugs or Controlled Substances or has an open container of alcohol on CoxHealth's premises or while On the Job. Searches may include obtaining evidence of altered medications intended for patient use.
7. Employees are expected to perform their jobs in a safe manner. Employees are prohibited from using chemical substances that may interfere with their personal safety or the safety of others. Employees who are impaired or who have used any substance which may be in violation of this policy must report this information to his/her supervisor prior to beginning work. Employees are prohibited from coming to work and/or continuing to work under the influence of drugs or alcohol.
8. Employees are expected to conduct themselves in a legal and lawful manner while on company property or on CoxHealth business. The manufacture, sale, possession, distribution, or use of illegal drug(s) on hospital property or while on hospital business is prohibited.
9. Employees who are required to maintain a valid driver's license as a condition of employment must immediately notify their supervisor and the Human Resources Department if they are arrested for DWI/DUI.
10. Employees who suspect that another employee is diverting, replacing, diluting, adulterating, manipulating, or changing any drug intended for patient use must report the suspicion and reasons to their supervisor.
11. If, as a result of the employee's use of alcohol or drug(s) CoxHealth has suffered damages, the employee/student may be asked to make restitution.

C. Employer Responsibilities

1. CoxHealth will provide periodic training for management and supervisory personnel in the recognition of drug abuse problems in the work place. Program content will cover topics such as the dangers of alcohol and drug abuse in the workplace, job performance and impairment, intervention techniques, integrating the employee back into the workplace/classroom, “Drugs and Alcohol in the Workplace” policy, availability of treatment and counseling for employees who voluntarily seek assistance, and the consequences CoxHealth will impose upon violation of this policy.
2. The Human Resources Department is responsible for administering this policy and for assisting employees with a substance abuse problem to assure they understand health care benefits offered by CoxHealth. CoxHealth encourages employees impaired by substance abuse to seek treatment in appropriate substance abuse treatment program. IF an employee is undergoing treatment for drug or alcohol addiction, or is having any issues due to addiction that may or may not affect the employee’s job performance, either the effected employee or their supervisor/director should contact the Human Resources Department will take any necessary action to ensure that the situation is dealt with appropriately.
3. It is the responsibility of the parties participating in the implementation of this policy to ensure the confidentiality of the employee’s records, personal information on drugs, disabilities, and evidence obtained during any search to the extent possible; such information will only be released to those with a need to know in the supervision or accommodation of any individual or in the administration of this policy.
4. The Security Department will remove employee(s) who may be endangering the safety or well being of others.
5. The Pharmacy department is responsible for monitoring and identifying medication discrepancies, unusual trends in dispensing, and/or other related medication trends. Such issues will be reported to the department manager who will be responsible for auditing records to resolve issues, and reporting unexplained discrepancies or documentation issues to the Human Resources Department. Patterns or trends will be considered “reasonable suspicion” for drug testing.
6. Each Supervisor and Department Head is responsible for immediately reporting incidents involving violations of this policy to Security and Human Resources Departments. When possible, the employee will be offered an opportunity to give an explanation of his/her situation or condition.
7. The Security Department is responsible for reporting incidents of manufacture, possession, sale, distribution or use of illegal substances by employees to Administration and Human Resources Department. The Security Department will be responsible to determine when it is appropriate to search a person or person’s property or company property.

D. Testing Parameters

Testing will be required post job offer and when management reasonably suspects the employee is or may be Under the Influence of an illegal substance or alcohol, or when an employee is involved in a workplace accident or motor vehicle accident.

1. Post Job-offer

Prospective employees will be given a written conditional offer of employment contingent upon passing a drug/alcohol screen. The applicant will be directed to a designated collection area for post job offer screening. Applicants will not be permitted to begin employment until the confirmatory tests have been obtained by Human Resources Department. Applicants who are unwilling or unable to complete the screening within 24-hours of offer time will be ineligible for employment based upon failure to complete the screening. Applicants may subsequently re-apply in six months.

2. Reasonable Suspicion

Reasonable suspicion is defined as observations and documentable fact(s) which would lead a reasonable person to suspect that an individual has violated this policy. Reasonable suspicion includes, but is not limited to:

- a. An observable phenomenon such as direct observation of drug use and/or the physical symptoms, alcohol on the breath or manifestations of being Under the Influence of a drug while On the Job.
- b. Abnormal conduct while On the Job, which is not limited to but could include slurred speech, staggered gait, flushed face, dilated/pinpoint pupils, wide mood swings, deterioration of work performance to include absenteeism, tardiness and/or frequent/severe on the job injuries.
- c. Information that an employee has caused or contributed to an accident while On the Job that resulted in an injury requiring treatment by a licensed health care professional.
- d. A report of use provided by reliable and credible sources and which is independently collaborated.
- e. Evidence that an individual has tampered with a drug test during his/her employment.
- f. Evidence that an employee is involved in the use, manufacture, possession, sale, solicitation or transfer of drug(s) while On the Job.
- g. Medication discrepancies, unusual trends in dispensing, and/or other related medication trends or misleading or incorrect documentation.

3. Work Related Injury

Post accident drug screen and Alcohol Breath testing may be required for any work-related injury, and/or for employees whose actions substantially cause injury to another employee while On the Job, and that requires treatment by a licensed health care professional. This does not include an injury that requires first aid treatment even though the employee may be seen and treated by a licensed professional. (See Human Resources Policy Worker's Compensation B-15 for definition of first aid).

4. Motor Vehicle Accidents

Testing will be required for any employee involved in a motor vehicle accident that involves property damage and/or injury to any parties involved in the accident while driving either CoxHealth's vehicle or while performing CoxHealth's business while driving their personal vehicle and involved in a motor vehicle accident. DOT testing guidelines will be implemented for those motor vehicle accidents falling under DOT guidelines and/or CoxHealth's DOT drivers.

E. Testing Procedures

1. Post Offer Testing

Please refer to Human Resources Policy E-05 Employment, Recruitment, and Job Postings for testing procedures.

2. Reasonable Cause

Testing may be requested by discretion of management. The following steps apply:

- a. Contact the Human Resources Department if available, or if not, the Nursing Supervisor. Decisions to test will always follow the belief it is better to test if in doubt than not and potentially endanger patients or employees.

- b. Contact The Security Department for assistance with the testing procedure. Urine test will be collected. Blood testing will be done at the direction of the Human Resources Department or Nursing Supervisor.
- c. Inform the employee, that once the specimen is collected, they will be sent home without pay pending test results and/or consultation with the Human Resources Department. Employees should be strongly encourages to have someone else take them home from work.
- d. Notify the employee that once the Human Resources Department has received the test results, they will contact the employee and appropriate Supervisor regarding the plan of action.

3. Worker's Compensation Injuries

Testing will be performed in the event of a worker's compensation injury. The following steps apply:

- a. Screens will be performed as part of the employee's treatment in the Occupational Medicine Department (during business hours) or in the Emergency Room or Urgent Care (if injured and seen during off hours and weekends).
- b. Notify the employee that once the Human Resources Department has received the confirmatory test results, they will contact the employee, appropriate Supervisor, and Worker's Compensation Coordinator regarding the plan of action.

4. Motor Vehicle Accidents

Testing will be performed in the event of a motor vehicle accident while On the Job or in a CoxHealth vehicle. The following steps apply:

- a. Screens will be performed as part of the employee's treatment in Occupational Medicine (during business hours) or in the Emergency Room or Urgent Care (if injured and seen during off hours and weekends).
 - i. If the accident occurs in a location that is too far to report to Occupational Medicine or Emergency Room, the employee should contact the Human Resources Department to determine the appropriate testing site.
- b. Notify the employee that once the Human Resources Department has received the test results, they will contact the employee, appropriate Supervisor, and Worker's Compensation Coordinator regarding the plan of action.
- c. If an accident falls under DOT regulations or involves CoxHealth's DOT drivers, DOT regulations will control.

5. Specimen Collections, Handling, and Reporting of Test Results

Specimens and test results will be obtained and handled in accordance with the following standards and state and federal laws where applicable.

Specimens: The specimens will be analyzed at a HHS certified Toxicology facility. Specimen collections and tests will be performed according to the Department of Health and Human Services guidelines where applicable, to ensure the accuracy and confidentiality of the results, as well as the protection of privacy and anonymity of the employee.

CoxHealth has designated collection sites as 1) Cox Occupational Medicine for daytime collections, 2) Cox Security Services for evening and night collections for Reasonable Suspicion, and 3) Emergency Room/Urgent Care for evening and night collections for Worker's Compensation injuries. CoxHealth will ensure appropriate training of personnel designated to collect and receive specimens. Collections of specimens will be performed under reasonable and confidential conditions.

Specimens will be collected in a manner to provide and prevent substitutions or adulteration of the specimen. In the case of cold or inadequate specimens, the employee will be required to remain on site until an adequate specimen has been provided. Observed Collections may be required in certain situations including, but not limited to:

- a. Temperature conditions of the specimen are not met.
- b. Evidence of or reason to believe adulteration, substitution, or tampering of the specimen has occurred.
- c. Specimen is being collected because employee/student is post rehabilitation.
- d. Prior positive drug test results.

Confidential codes will be used to identify specimens.

Employees will be required to sign the "Drug Testing Custody and Control Form" at the time of specimen collection to verify that the specimen was collected and sealed properly, the specimen is truly theirs, the specimen has not been tampered with or adulterated, and authorization to release the tests results to Human Resources.

Strict chain of custody procedures will be followed for specimen collections transferred to the Toxicology Lab. Internal chain of custody and security measures shall be employed in the testing facility.

Access to specimens will be strictly limited.

Request for "re-submittal" of a drug screen, due to problems with the prior sample, must be done within 24 hours of the request. If the applicant does not submit the specimen within the requested time frame, the employee will be referred to Human Resources for appropriate action.

F. Actions for Positive Drug Screen/Penalty for Violating Policy

A Positive Test result or violation of this policy will be considered misconduct and may result in disciplinary action up to and including discharge. Continued employment may be contingent upon the employee's entry into a recommended treatment program and successful completion of a program including successful completion of aftercare. Law enforcement officials may be called at the discretion of Administration.

1. Post Job Offer Testing Positive

If a positive Post Job Offer screen is received, those results will be sent to Medical Review for impartial review for accuracy and integrity of drug testing process. If it is determined there is a legal reason, the screen will be considered negative. If it is determined there is no legal reason for the presence of drug(s), the offer of employment will be withdrawn. The Human Resources Department will contact the prospective employee and the hiring Supervisor that the offer has been withdrawn.

Applicants who test positive and request a re-test can, at their own expense, have the specimen sent to any SAMHSA certified lab of their choice. This request must be made within 72 hours of notification of the positive drug test results to the applicant. A re-test is performed on the same collection. Applicants with a positive confirmatory drug/alcohol test will be eligible to re-apply for a position in six months.

2. Current Employee Testing Positive:

If the employee tests positive for an illegal drug or alcohol, and unless otherwise indicated based on disciplinary action, the employee will be required to get an assessment at the Cox Center for Addictions. The requirement includes the employee signing a HIPAA consent from authorizing the Center for Addictions to access Human Resources records and the ability to communicate with the employee's supervisor regarding relevant information in order to assist in the assessment process. The employee has 48 hours after notification by the Human Resources Department of a positive result to contact the Center for Addictions to schedule the assessment.

3. Discipline Related to Violation of This Policy

Appropriate discipline will be taken based on the employee's action related to this policy. Examples of levels of discipline imposed include, but are not limited to, the following:

- a. Employees will be terminated from CoxHealth for the following infractions related to this policy violations:
 - i. Reporting to work in an impaired condition from alcohol, Illegal Drugs, or misuse of prescription drugs. Reporting to work in an impaired state is considered endangerment of patients and/or co-workers.
 - ii. Refusal to submit for a drug/alcohol screen as requested and/or refusal to allow the search of personal property (such as a handbag, backpack or vehicle), locker or other place where drugs or alcohol might be stored.
 - iii. Theft and/or diversion of any medications either from the facility or medications intended for the patients.
 - iv. Switching or adulteration of samples submitted for testing.
 - v. Failing to make restitution for damages incurred as a result of enactment of this policy.
 - vi. Failure to respond to a request for a "re-submittal" screen within 24 hours of request.
- b. Employees will have alternative discipline considered for the following infractions of the policy, however, termination of employment may also be appropriate based on the circumstances.
 - i. Reporting to a supervisor prior to the beginning of a work shift that the employee is unable to work and Under the Influence of substances covered by this policy that may affect performance and/or affect patient care or safety.
 - ii. Conviction of crimes related to drugs and/or alcohol.

4. **Program referrals, self-disclosure, & self-referrals:**

Employees who (absent of policy violations that warrant immediate discharge) self-disclose a substance abuse problem will be referred to an appropriate drug or alcohol program. Employees may also self-refer to substance abuse programs. Payment for treatment in a substance abuse program may be covered by the employee's insurance; employees are responsible for treatment costs not covered by insurance. Time off for treatment in a drug or alcohol program may be provided consistent with CoxHealth leave of absence policies. Self-disclosure of a drug or alcohol problem does not relieve an employee from disciplinary consequences of past, present, or future policy violations, such as reporting to work in an impaired state, theft or diversion of drugs, poor job performance, absenteeism, etc.

An employee who self-refers or has been referred by CoxHealth to a substance abuse program will be required to sign a "Conditional Reinstatement Agreement". This will be coordinated through the Center for Addictions staff and the Human Resources Department. If the employee has received treatment at a facility other than the Center for Addictions, then records related to such treatment must be forwarded and made available to Center for Addictions so that the Center for Addictions staff can facilitate determination of return to work conditions and the completion of the "Conditional Reinstatement Agreement".

Each employee who has undergone substance abuse treatment will be placed on a two-year probationary period during which he/she must meet all conditions outlined under the "Conditional Reinstatement Agreement" as well as all other standard aspects of their job descriptions and employee responsibilities. The "Conditional Reinstatement Agreement" must be in place prior to the employee's return to work. Return to work status will be determined by Center for Addictions' staff in consultation with the Medical Review Officer, the Human Resources Department, and employee's department manager.

Employees who have signed the "Conditional Reinstatement Agreement" may be subject to random drug screens, which will be determined, coordinated and monitored by the Center for Addictions' staff. The schedule for testing will include but not be limited to:

- a. One time during the first 90 days after return to work
- b. One time during the 91st day and six months after return to work
- c. One time between six months and one year
- d. One time between one year and the two-year anniversary of the agreement

Center For Addictions' staff will inform the Human Resources Department of all random test occurrences and subsequent results.

Center For Addictions' staff will contact the employee when a test is to occur; the employee will have twenty-four (24 hours) to report to the Center for Addictions during normal business hours (8:00 a.m. to 5:00 p.m.), Monday through Friday, to initiate the screening process.

If the employee is present at the time the Center For Addictions requests a random test, such as the employee is attending a counseling or treatment activity, the employee must cooperate with the testing request immediately at that time. Refusal to comply with testing schedules/requests may be grounds for immediate separation as determined by the Human Resources Department.

The employee is responsible for all costs associated with the random testing process and will be billed accordingly. An active patient account will be maintained on each employee being monitored under the “Conditional Reinstatement Agreement” and a medical record of all test results maintained.

If the employee experiences a repeat violation of this policy or the terms and conditions set forth in the “Conditional Reinstatement Agreement”, CoxHealth may discipline the employee up to and including termination of employment.

5. Mandatory Reporting

CoxHealth holds a Missouri BNDD Controlled Substance Registration and a federal DEA controlled substance registration, which requires mandatory reporting of controlled substance thefts and diversions.

Missouri Regulation 19 CSR 30-11.034(2)(B):

A registrant shall notify the Department of Health and Senior Services of the theft, diversion or significant loss of any controlled substances upon delivery. The registrant shall complete and submit a Report of Loss, Theft, or Diversion of Controlled Substance Report on the required form (MO 580-2283). The registrant must also include a copy of a summary of the internal investigation.

Federal Regulation 21 CFR 1301.74(c):

The registrant shall notify the Field Division Office of the Drug Enforcement Administration in his area of any theft or significant loss of any controlled substance upon discovery (and within one business day) of such theft or loss. The registrant shall submit a completed DEA 106 loss report form.

In order to maintain compliance, the Human Resources Department will notify the Director of Pharmacy at the onset of any investigation of any employee who has been determined to have a chemical problem that involves controlled substances and has obtained controlled substances. The Director of Pharmacy will have the responsibility of ensuring the proper, accurate and timely report be filed with the BNDD and DEA.

All licenses or certified clinical professionals whose status is overseen by a professional board, will have all violations of this policy reported to such board. The employee will further be held responsible for adhering to and cooperating with all requests and requirements as set forth by such board as a result of the violation, in order to maintain employment with CoxHealth.

Conduct while serving as a CoxHealth representative:

While consumption of alcohol outside the workplace is not subject to this policy, CoxHealth reserves the right to hold employees accountable for conduct and substance abuse outside the workplace if the employee is representing CoxHealth. Employees may not serve as volunteers on behalf of CoxHealth or as representatives of CoxHealth at a community event while impaired by drugs or alcohol. Employees attending events as representatives of CoxHealth are expected to represent CoxHealth as responsible professionals and may be subject to discipline up to and including termination of employment for misconduct. This policy shall not prohibit reasonable use of alcohol at a CoxHealth event where CoxHealth Administration has either furnished or specifically approved the use of such alcohol.



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