**4.1.6 Drug and Alcohol Policy** *(This policy is effective July 1, 2008)*

# Policy: Barrett Hospital & HealthCare provides a drug and alcohol free workplace to ensure the health, safety and welfare of its staff, community and patients.

**Purpose:** It is the purpose of this policy to:

## Assure employees are not impaired, and performing assigned duties in a safe, productive and healthy manner;

## Prohibit the unlawful manufacture, sale, distribution, dispensing, possession, or use of prohibited substances in hospital facilities or on hospital property;

## Create a workplace environment free from the adverse effects of drug and alcohol abuse or misuse;

## Recognize drug and alcohol abuse as a treatable disease and encourage employees to seek professional assistance for alcohol or drug dependency;

## Maintain a work environment and promote work habits that foster public confidence;

## Strive to improve the service we provide the public and recognize the key role our hospital plays in public health and safety; and

## Administer appropriate penalties to employees who violate this policy.

# Procedures:

# Legal Sanction:

The unlawful manufacture, distribution, possession, or use of a controlled substance may result in a conviction under federal, state and local laws and may result in incarceration, restitution payments, probation, forfeiture of assets and loss of other property rights or civil liberties. A conviction may also result in loss of a professional license.

# Standards of Conduct And Sanctions:

## Department Managers or charge persons are primarily responsible for assuring a drug-free work place.

## Working while impaired by a controlled substance or alcohol is strictly prohibited, and will result in disciplinary action up to and including termination.

## The use, possession, transfer, sale manufacture or purchase of a controlled substance on hospital property or while performing hospital business is strictly prohibited and will result in disciplinary action up to and including termination.

## The use, sale, transfer, purchase, manufacture or possession of a controlled substance off of hospital property is strictly prohibited and will result in disciplinary action up to and including termination if the use, sale, possession, transfer, manufacture or purchase of the controlled substance will adversely affect the employee’s ability to perform their job in a safe and professional manner or would involve an unreasonable risk to hospital property or to the safety or welfare of specific individuals or the general public.

## A conviction for the use, sale, transfer, purchase, manufacture or possession of a controlled substance will result in disciplinary action up to and including termination if conviction adversely affects the employee’s ability to perform their job in a safe and professional manner or would involve an unreasonable risk to hospital property or to the safety or welfare of specific individuals or the general public. An employee convicted of any drug or alcohol offense must report such violation to their supervisor in writing upon the next scheduled work shift.

## The appropriate use of legally prescribed drugs and non- prescription medications is not prohibited. However, the use of any substance that affects mental functioning, motor skills or judgment must be reported to the supervisor before performing any duties. The misuse or abuse of legal drugs while performing the assigned duties is strictly prohibited and will result in disciplinary action up to and including termination.

## If a supervisor directs an employee who he or she believes to be impaired by the use of illegal or legal substances to leave the campus, the supervisor must provide a safe means of transportation to the employees’ home for the employee.

# Rehabilitation and Education

## Any employee who feels that he or she has an addiction or dependence to drugs or alcohol is encouraged to seek assistance. Requests for information concerning such assistance and use of BHH’s Employee Assistance Program will be confidential.

## Employees who test positive for drugs or alcohol, pursuant to the procedures described below, may be required or allowed by management to participate in an appropriate drug or alcohol counseling, treatment, or rehabilitation program as a condition of continued employment. Employees who voluntarily enter treatment prior to termination, as a condition of continued employment or as a result of a Last Chance Agreement, will be allowed to use accrued paid leave time. All paid or unpaid leave will be simultaneously charged to the employee's Family and Medical Leave Act eligibility (where the employee is eligible for such leave). Failure to complete the program, including aftercare, or to fully comply with the terms and conditions of the Last Chance Agreement will be grounds for immediate dismissal.

## Barrett Hospital & HealthCare provides periodic training and education for employees regarding the adverse impacts of controlled substances and alcohol. An employee seeking additional information should contact BHH’s Employee Assistance Program.

# Tests and Procedures

## Barrett Hospital & HealthCare will perform the following types of tests:

### Alcohol Testing. Alcohol testing may occur at any time during working hours, and will by administered by a certified breath alcohol technician using testing equipment that appears on the list of conforming products published in the Federal Register. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and is a prohibited standard of conduct under this policy that will result in disciplinary action up to and including termination.

### Drug Testing. Drug testing may occur at any time during working hours. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each specimen. For those specimens that are positive, an independent laboratory using a Gas Chromatography/Mass Spectrometry process will perform a confirmatory test. A positive drug test is a prohibited standard of conduct under this policy that will result in disciplinary action up to and including termination.

### Pre-employment. A successful applicant, as a condition of employment, will be required to undergo a urine drug test after an offer of employment has been made. The employment offer is conditioned on receipt of a negative drug test. Failure to achieve a negative drug test will disqualify the person for the position on the grounds that the applicant failed to meet a condition precedent to employment.

### Reasonable suspicion.

#### A reasonable suspicion determination must be made by a Department Manager, Supervisor or Administrator that has been trained in reasonable suspicion, and based on specific, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

#### Any properly trained Department Manager, Charge Nurse or Administrator who suspects an employee’s job performance may be affected by drug or alcohol use, should confront the employee privately and state the reasons for suspicion and then request that the employee voluntarily submit to a urine test, and:

##### the employee will be immediately placed on administrative leave with pay pending completion of an investigation. The investigation will consist of certification of the test results by a medical review officer and review by the medical review officer of any information relevant to interpreting the test results provided by the employee. All positive tests will be confirmed by a confirmation test.

##### if the employee refuses to submit for testing when requested, this action will be considered a per se admission of being under the influence of a controlled substance or alcohol and will result in disciplinary action up to and including termination.

#### Reasonable suspicion determinations must be documented within 24 hours after the observation and by the drug/alcohol test results. The person who made the determination must sign a written statement containing a description of the behaviors that led to the determination.

### Incident/Accident Test. Any employee involved in an incident or accident that causes death; property damage in excess of $1,500; or personal injury (involving medical treatment beyond first aid, lost work time, restricted work activity or job transfer, or any work-related, significant injury/illness that is diagnosed by a physician or other licensed health care professional) will be required to 1) report to the Emergency Department, 2) complete the First Report of Injury and/or Incident Report and 3) submit to drug and alcohol testing at the time the incident/accident occurs. Any employee involved in a covered incident or accident must refrain from alcohol use for eight (8) hours following the incident or until she or he has undergone a post-incident test. Any employee who leaves the premises or scene of the incident without appropriate authorization or explanation prior to submission to drug and alcohol testing will be considered to have refused the test. This will constitute a per se admission of alcohol or drug use and will result in disciplinary action up to and including termination.

### Follow-up testing. Employees who previously had a positive drug or alcohol test must have a negative test and be evaluated and released to duty by a substance abuse professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the substance abuse professional or management. This may consist of at least six (6) tests in the first 12 months following the employee’s return to duty.

## All testing will be conducted using a split sample methodology.

## Any employee or prospective employee who refuses to sign all required release(s) for release of information relative to test results or required follow-up evaluations by the substance abuse professional, fails to comply with a request for testing, provides false information in connection with a test, or who attempts to falsify test results through tempering, contamination, adulteration or substitution shall be considered as having a positive test. Refusal includes an inability to provide a urine specimen or saliva sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. If the employee or prospective employee is unable to provide the required amount of urine for drug testing, she or he will be instructed to drink not more than twenty-four (24) ounces of fluids and assigned to a waiting area. After a period of up to two (2) hours, a second attempt to obtain a complete sample using a fresh collection container with the original insufficient specimen discarded, will be attempted. If the employee is still unable to provide a sufficient amount of urine, this will be considered a positive test and disciplinary action up to and including termination will follow.

# Testing Compliance Requirements

## All information obtained in the testing is confidential. Test results will only be disclosed to the tested employee, the employers’ designated representative, in connection with a legal action arising out of an employer’s implementation of 39-2-205 through 39-2-211 MCA, or inquiries relating to a workplace accident involving death, physical injury, or property damage when there is reason to believe that the tested employee may have caused or contributed to the accident.

## All specimen collection, transportation, and testing procedures will comply with 49 CFR, part 40 as amended and with MCA 39-2-205 through 39-2-211.

## Testing shall be conducted in a manner to assure accuracy and reliability and using techniques, equipment and laboratory facilities, which have been approved by the U.S. Department of Health and Human Services. All testing will be conducted consistent with the procedures put forth in 49 CFR part 40, as amended.

# Consequences of a Positive Drug or Alcohol Test

Employees who test positive for drugs or alcohol pursuant to the procedure set forth above are subject to discipline up to and including termination. Barrett Hospital and HealthCare may also inform the licensing board of all licensed employees who have a positive drug or alcohol test.

# Employee Requested Drug Testing and Right to Rebuttal

## An employee who questions the results of a confirmed positive drug test may request an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. The method of collecting, storing and testing the split sample will be consistent with procedures set forth in 49 CFR part 40, as amended.

## The employee’s request for a re-test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. The employee will pay all costs for a retest on the split sample unless the second test invalidates the original test.

# Employment Assessment

## Any employee who has a confirmed positive test for the presence of illegal drugs or alcohol above the minimum thresholds may voluntarily enter a rehabilitation program as a condition of continued employment. The employee must sign a release so that management can obtain information on the program duration, completion, and follow-up requirements. Failure to complete the program, or failure to comply with the terms and conditions of a Last Chance Agreement, will result in the immediate termination of the employee.

## If an employee is released to return to duty, she or he must properly follow the rehabilitation program and have a verified confirmed negative return-to-duty test result as indicated above. The employee will be subject to follow-up testing.

# Miscellaneous

## Employees disciplined under this policy have access to the dispute resolution procedure, policy 4.1.5.

## Employees with questions on this policy or issues related to drug or alcohol use in the workplace should contact Human Resources.

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Effective Date: July 1, 2008 (Drug and Alcohol Policy)

Administrative Approval: S. Hannah, CEO

Department Approval: J Marshall, HR Director

Reviewed: April 14, 2009 JM

Revised: