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HIGHPOINT
HEALTH SYSTEM

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HR.011, Drug & Alcohol Free Workplace

SCOPE:

THIS POLICY APPLIES TO HIGHPOINT HEALTH SYSTEM AND ITS AFFILIATES WITH EMPLOYEES WHO PROVIDE SERVICES IN THE HOSPITAL'S PRIMARY AND SECONDARY SERVICE AREA (THE "COMPANY"). REFERENCES TO FACILITY OR FACILITIES THROUGHOUT THE POLICY ARE MEANT TO INCLUDE THE HOSPITAL AND/OR ITS AFFILIATES WITH EMPLOYEES PROVIDING SERVICES IN HIGHPOINT HEALTH SYSTEM'S PRIMARY AND SECONDARY SERVICE AREA.

PURPOSE:

TO PROMOTE A WORKPLACE THAT IS FREE FROM THE INFLUENCE OF DRUGS AND ALCOHOL AND FOR THE PROTECTION OF OUR PATIENTS, EMPLOYEES AND ALL OTHER PERSONS WORKING OR VISITING THE COMPANY; AND TO ELIMINATE THE POTENTIAL FOR SUBSTANCE ABUSE WITHIN THE COMPANY AND TO ESTABLISH A CONSISTENT METHOD FOR TESTING CANDIDATES AND EMPLOYEES IN ITS ATTEMPT TO ENSURE A WORKPLACE THAT IS FREE FROM THE INFLUENCE OF DRUGS AND ALCOHOL. STUDENTS, VOLUNTEERS, AUXILIARY, OR ANYONE WITH ACCESS TO PATIENTS AND PATIENT CARE AREAS ARE SUBJECT TO THIS POLICY.

DEFINITIONS:

N/A

POLICY:

A. Policy

It is the policy of the Company to promote a workplace that is free from the influence of drugs (including marijuana even if medically prescribed) and alcohol. The Company believes that such a policy is in the best interest of all our employees and the patients whom we serve. The Company's number one priority is providing excellent patient care and for that reason all of our employees serve in roles that affect the safety of our patients. Being under the influence of marijuana and other drugs in the healthcare setting can negatively impact patient care because drug use may impair the user's physical and/or cognitive functioning. Accordingly, the Company prohibits the use of drugs (see section D for use of legal medications) and has selected a laboratory with the technological sophistication to conduct Zero Tolerance Drug Testing on all samples submitted for testing.

This policy supersedes all previous drug and alcohol policies of the Company, whether found in an Employee Handbook, Policy and Procedure Manual, or in any other document or communications. **All positive test results will be reported to the applicable licensing board/agency when required by licensed/registered health professionals.**

B. Drugs and Alcohol

As used in this Policy, the term "drug" means any illegal or illicit drug, any substance or drug (including marijuana even if medically prescribed) producing effects on the central nervous system, or any controlled substance (including all drugs, narcotics, and intoxicants for which possession or misuse is made illegal under federal, state, or local law); and the term "alcohol" means the intoxicating agency in beverage alcohol, ethyl alcohol (e.g., beer, wine, liquor), or other low molecular weight alcohols including, but not limited to, methyl and isopropyl alcohol. In addition, the term "drug" will include legal prescription drugs for which the employee does not have a prescription.

C. Prohibited Conduct

The following shall be grounds for termination:

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1. Use, sale, attempted sale, manufacture, possession, conveyance, purchase, attempted purchase, distribution, cultivation, transfer, or dispensing, (except as required by your employment or contract) of drugs (illegal or illicit);
2. Being under the influence of illegal or non-prescription drugs or alcohol, or having drugs or alcohol:
 - a. In one's system, or
 - b. On any Company premises or worksites, or
 - c. In any area under the control of the Company, (including, but not limited to, the parking area), or
 - d. During Company time, or
 - e. In your possession illegally, or
 - f. In or occupying Company property (including, but not limited to, Company vehicles) or property under the control of the Company.
3. Use or abuse of alcohol on or off the job that impairs, to any extent, performance on the job.

D. Legal Medications

This Policy does not prohibit the legal use of medications (prescription or over-the-counter), including medications containing alcohol. The Company requires that all employees disclose to Human Resources in advance of working when taking a legal use of medication containing alcohol or any legal use of medication that poses a significant risk of substantial harm to the health or safety of the individual or others, or when taking any medication containing alcohol, or any medication that affect the safety of our patients or impair the user's physical and/or cognitive functioning. Where required, the Company will make reasonable accommodations if appropriate (transfer, reassign, place an employee on leave of absence, or take other appropriate action during the time the employee uses medication that may affect the employee's ability to perform safely). It is the employee's responsibility to consult with the employee's licensed healthcare professional to determine if any medication would adversely affect the employee's ability to perform the essential functions of the job safely and requires disclosure to Human Resources.

E. Employee Assistance Program

The Company makes available an Employee Assistance Program to assist employees who may have problems with drugs or alcohol, however, this program does not insulate an employee from termination for a violation of Company policy, nor will it insulate any employee after the employee has been requested to participate in a drug or alcohol test. Employees who believe they have a problem with alcohol or drugs (legal or illegal) - are encouraged to seek assistance before the Drug and Alcohol Policy is violated. The EAP is available to employees seeking assistance with drug and/or alcohol related issues. The EAP can provide information regarding the dangers of drug and alcohol abuse, evaluate an employee for possible drug and/or alcohol dependence, and assist an employee to locate appropriate services and rehabilitation programs that emphasize education, prevention, counseling, and treatment. Each request for assistance will be treated as confidential, and only those persons with a "need to know" will be informed of an employee's request.

F. Designated Social Functions

The alcohol provisions of the policy shall not apply at Company designated social functions (whether on or off premises), although it is not the policy of the Company to condone alcohol abuse at such functions.

All employees are expected to conduct themselves at all times in accordance with the Code of Conduct and other Company policies. Inappropriate conduct, disruptive behavior or any other inappropriate actions caused by alcohol at designated social functions (whether on or off premises) will be cause for disciplinary action up to and including termination of employment.

G. Testing

NOTE: For purposes of this policy, the following will result in termination of employment or no further employment consideration of an applicant: a) refusal to undergo or consent to a drug/alcohol test, or b) when an applicant or employee is unable to provide a urine specimen ("shy bladder"), absent a valid medical reason, within a 3 hour period it will be viewed as a positive result.

1. **Pre-Employment Drug Test** – all prospective employees and contract/agency personnel (See Section G 8) will be required to undergo a pre-employment drug test and **may not begin work prior to review of the test results**. This applies to students, volunteers and auxiliary personnel. A refusal to undergo the test, or a positive test result, attempt to tamper with, substitute, adulterate, or otherwise falsify a test sample will result in denial of employment (see G11 for consequences of positive test results).
2. **Post-Accident Drug Test** – Employees involved in a work related "accident" will be required to undergo a drug test as state law allows (see HR State Law Addendum) if there is a reasonable possibility that employee impairment contributed to the accident. The hospital CEO or designee (i.e., Human Resources Director and/or Risk Manager) shall review the circumstances of all work

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related "accidents." Typically, an "accident" is any event, incident, or judgment in which the employee's acts, or failure to act, appear to have caused or contributed to the accident which resulted in:

- a. Bodily injury
- b. Death to any person
- c. Damage to any property

At the discretion of management, employees who are required to undergo a post-accident drug test will be placed on administrative paid leave pending the results of such test provided reasonable suspicion exists. If the results are positive, the employee will be terminated retroactive to the date of the accident. A refusal to undergo the test, positive test results, attempt to tamper with, substitute, adulterate, or otherwise falsify a test sample will be grounds for termination. The test should be administered as soon as practicable following the work related incident (before the employee leaves the work location, but no later than the following day).

If the Company believes that there is a reasonable possibility that employee impairment has caused or contributed to a work-related accident and there are objective signs that the involved employee may have used alcohol (i.e. slurred speech, staggering gait, odor of alcohol), the employee will be required to submit to a blood alcohol test in addition to the urine drug test.

3. **Voluntary Disclosure** – An employee's decision to seek assistance under this policy will be considered voluntary only if the employee seeks assistance before the employee's alcohol or drug-abuse problems lead to a violation of this or another Company policy justifying disciplinary action and before being asked to take a drug and/or alcohol test. If an employee voluntarily discloses that he/she has a drug/alcohol problem and requests assistance, then the employee will be referred to the EAP and will be required to follow the Voluntary Disclosure Procedure outlined below:
 - a. The employee will be referred to the Employee Assistance Program (EAP) and the appropriate Licensing Board, as applicable, for counseling and development of a treatment program, and will be placed on a leave of absence (i.e., FMLA or General Leave) as appropriate.
 - b. The employee will be required to sign an *Authorization for Release of Confidential Information* form in order for the counselor(s) to report his/her findings and recommendations to the Facility Human Resources Director.
 - c. The employee will be allowed to return to work, whether from an in-patient or out-patient treatment, after undergoing a drug/alcohol test conducted under Company policy with a negative result, provided he/she is released and able to perform the essential functions of his/her position with or without a reasonable accommodation. If the employee is unable to perform the essential functions of his/her previous position, then he/she may be placed in another available position (at the appropriate pay rate for the new position) for which he/she is qualified and for which he/she can perform the essential job functions with or without a reasonable accommodation. If a suitable position is not available, then the employee will be terminated in accordance with the established leave of absence policy.
 - d. The employee will be required to undergo a minimum of twelve (12) unannounced drug/alcohol tests within a twelve (12) month period following the return to duty test. This period may be extended for up to sixty (60) days.
 - e. The employee will be required to cooperate with and to follow the recommendations of the counselor(s), including satisfactory completion of any prescribed rehabilitative program and to submit to further tests. **Failure to do so will result in termination.**
 - f. If at any time the employee tests positive during this process, the employee will be terminated.

Note: Entering a drug and/or alcohol assistance program will not protect an employee from the consequences of substandard work performance, misconduct or policy violations.

4. **Reasonable Suspicion Drug and Alcohol Test** - If the Company has reasonable suspicion to believe that an employee or group of employees are violating this policy, the employee(s) will be required to undergo a drug and alcohol test. Reasonable Suspicion Testing requires the approval of the Human Resources Director and/or the CEO. If reasonable suspicion exists, the employee will be placed on administrative unpaid leave pending the results of the testing and investigation. Reasonable suspicion may include, but is not limited to, the employee's behavior or conduct, physical manifestations, evidence that an employee has caused or contributed to a work-related accident, there are objective signs that the involved employee may have used alcohol (i.e. slurred speech, staggering gait, odor of alcohol), reports from others, work related "accident," missing or unaccounted for patient medications, speech, etc. The Company will document information supporting the Reasonable Suspicion testing (see Observation Checklist, Warning Signs of Chemical Dependency and Testing Referral forms).

In the event of suspected diversion of medications, an internal investigation should be conducted and appropriate licensing boards notified as required by law (see Diversion Prevention Tips). In the event of a suspected diversion of drugs it may be necessary to test a group of employees. In this event, the employees may remain on duty unless an employee(s) appears to be in an altered state, then the employee(s) will be placed on administrative unpaid leave pending drug test results. If the reasonable suspicion drug/alcohol tests are positive, the employee will be terminated. If the reasonable suspicion drug/alcohol tests are negative, the employee should be compensated for the period of unpaid leave. In the event the reasonable suspicion drug test is negative, upon return to work any performance or conduct issues that formed the basis of the reasonable suspicion drug or alcohol test will be addressed through the corrective action process.

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5. **Other Drug or Alcohol Test** – The Company will require any employee to undergo any drug or alcohol test required by law, and may require any employee to undergo any drug or alcohol test not prohibited by law.
6. **Drug/Alcohol Testing of Minors Under Age 18** – All prospective employees (pre-employment, post-offer, post-accident and reasonable suspicion) are covered under this policy. However, those prospective employees who are minors under the age of 18 must obtain notarized parental/legal guardian consent on Section II of the *Drug/Alcohol Test Release & Consent for Minors < Under Age 18* form to undergo a drug/alcohol test. In order to release the results of such test to the minor's parent/legal guardian, the minor must sign Section III of this form. Failure to obtain parent/legal guardian consent for testing will disqualify the minor from potential or continued employment.
7. **Drug Testing of Students**– Students with access to patients and patient care areas are subject to this policy. The Human Resources Department should work in conjunction with the management team and school officials to ensure that the contractual agreement includes a statement that delineates the party responsible for the provision of drug screens prior to student assignment to the facility. Human Resources would be responsible to monitor compliance.
8. **Drug Testing of Volunteers and Auxiliary** – Volunteers and auxiliary with access to patients and patient care areas are subject to this policy and should be tested prior to starting their assignment.
9. **Drug Testing of Contract/Agency Personnel** – All entities that provide contract and agency personnel (including contract/agency physicians) that provide patient care, treatment and services must provide the facility Human Resources Department with evidence of drug testing results prior to contract staff starting assignment.
10. **False Information** – Any employee or applicant who provides false information when completing paperwork required or responding to required questions for an alcohol or drug screen test will be terminated and/or their application will be withdrawn from hiring consideration.
11. **Consequences of a Positive Test** - An employee or applicant, whose drug or alcohol test is positive, regardless of the reason for the test, is considered to be in violation of Company policy and will be terminated. Employment will be terminated for a confirmed positive test, even for a first offense. An employee or applicant whose drug or alcohol test is positive will be ineligible for rehire for a minimum of one year.
12. **Refusing a Test / Tampering** – If an employee attempts to avoid or refuses to submit to drug and/or alcohol testing, the action will be considered insubordination and the employee will be terminated. Attempts to tamper with, substitute, adulterate, or otherwise falsify a test sample are considered refusals to submit to testing. Applicants that refuse to submit to drug and alcohol testing will be withdrawn from consideration for employment. Employees and applicants that refuse to submit to the drug and alcohol test will be considered ineligible for rehire and will not be considered for future employment with the Company.
13. **Consent** - No alcohol test will be administered, sample collected, or drug test conducted on any sample without a signed chain of custody form of the person to be tested. However, testing is a condition of employment and a person's refusal to submit to a proper test will be viewed as insubordination which will result in termination of employment. The Company will pay the costs of all drug and/or alcohol tests it requires of job applicants and employees.
14. **Collection and Chain-of-Custody** - Persons being tested will be asked to provide a test sample by the collection site person. Procedures for collection of urine specimens will allow for reasonable individual privacy. Urine samples will be tested for temperature, and may be tested for adulterants or subject to other validation procedures, as appropriate. The collection site person and the person being tested will maintain chain-of-custody procedures at all times.
15. **Testing Methods** - All urine samples will be screened using an immunoassay technique and/or mass spectrometry technique and all presumptive positive tests will be confirmed using mass spectrometry (MS) or other equally sensitive methodology. **All confirmatory** tests will be performed by a laboratory certified by the federal Substance Abuse Mental Health Services Administration (SAMHSA) for federal workplace testing (see Attachment A for a list of current testing profiles).

A blood-alcohol test will be used to detect the presence of alcohol. An alcohol test will be considered positive if it shows the presence of 0.02 percent or more alcohol in an individual's system. All blood-alcohol samples will be screened by Gas Chromatography and all presumptive positive tests will be confirmed using by Gas Chromatography/Flame Ionization Detection.

Tests will seek information about the presence of drugs and alcohol in an individual's system, and will not test for any medical condition.

16. **Notification & Review of Positive Results** - Any individual whose test is positive for the presence of an illicit drug or drugs will be so notified by an independent Medical Review Officer ("MRO") (a medical doctor with an expertise in toxicology), and given an opportunity to provide the MRO, in confidence, with any legitimate explanation he or she may have that would explain the positive drug test (all documentation must be sent to the MRO no later than five business days after notification).

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If the individual provides an explanation acceptable to the MRO that the positive drug test result is due to factors other than illicit drugs (such as a prescription for the drug detected), the MRO will order the laboratory to disregard the positive test and will report the test as negative to the Company.

Upon request, the Human Resources Director will provide the individual with a copy of their own positive test report. In addition, an individual who tests positive for drugs may request within 72 hours of notification that his or her second container from the split-specimen collection be sent to an independent laboratory for a second confirmatory test at the individual's expense. The individual shall choose from a provided list of independent laboratory certified by the federal Substance Abuse Mental Health Services Administration (SAMHSA) for federal workplace testing for the second confirmatory test. The Company will suspend the individual pending the results of any such re-test. If the retest is negative, the Company will reimburse the employee the cost of the second test.

All test results will be treated as confidential, and shared within the Company only on a need-to-know basis. Test results will not be released outside the Company without the written consent of the tested individual, except as required by law or to defend the Company in any threatened or actual legal action. An individual may request a copy of his or her results at any time. Test results will be stored separately from employee personnel files in a secure location.

17. **Compliance With All Applicable Laws** - The Company will implement this Policy, including the drug- and alcohol-testing provisions, in a manner that complies with relevant federal, state, and local laws.

H. Searches

The Company reserves the right, at all times and without further notice, to have Company representatives conduct searches and inspections of any or all Company premises to enforce this Policy or determine if this Policy has been violated.

All vehicles and containers, including bags, backpacks, boxes, purses, and lunch containers, brought onto Company premises may be searched if the Company has a reasonable suspicion that the employee has brought drugs or alcohol onto Company premises. Employees are expected to cooperate in any searches, and consent to a search is required as a condition of employment. A refusal to consent to a search will result in termination, even for a first refusal.

I. Other Action

Safety of Employee and the Public – When an individual subject to this policy is sent home or referred for drug or alcohol testing, the supervisor will help him/her get home safely. An individual who is referred for reasonable suspicion drug or alcohol testing and/or sent home as unfit to work should be dissuaded from driving and he/she should be advised that law enforcement will be notified. If the employee insists on driving the supervisor shall contact law enforcement.

STATE LAW:

Nothing in this policy is intended to restrict whatever rights you may have under Federal, State or local laws.

REFERENCES:

FAIR CREDIT REPORTING ACT

AMERICANS WITH DISABILITIES ACT

UNITED STATES DEPARTMENT OF LABOR

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HR STATE LAW ADDENDUM

All revision dates:

6/17/2002

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ATTACHMENTS:

ACKNOWLEDGEMENT FORM

TESTING REFERRAL

OBSERVATION CHECKLIST

DRUG/ALCOHOL TEST RELEASE & CONSENT FOR MINORS UNDER AGE 18

AUTHORIZATION FOR RELEASE OF CONFIDENTIAL INFORMATION (VOLUNTARY DISCLOSURE)