Subject: Drug and Alcohol

Section: HR 6-10

Coverage: All OUMC employees

Purpose: To provide guidelines for enforcing a drug free workplace and to establish a process for drug testing in accordance with state law.

Policy: Employees must report to work in a fit condition for duty. Being under the influence of drugs or alcohol is prohibited. OU MEDICAL CENTER also takes action against employees who illegally manufacture, use, distribute, or possess controlled substances on or off the job or who violate hospital policies in reference to possession of alcohol on the job.

Possessing, consuming or otherwise taking an alcoholic beverage, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, or drugs of any kind on hospital premises which are not authorized or medically necessary as a prescribed medication; refusal to submit a specimen and confirmed detection of the presence of any illegal drug in an employee’s body are causes for possible disciplinary action to include termination.

An Employee Assistance Program (EAP) is also provided to all employees who test positive.

Legal drugs are drugs that are prescribed by a medical licensed practitioner and are used by the individual for whom the drugs are prescribed consistent with that prescription. Also included are over-the-counter drugs not requiring prescriptions that are used according to the package instructions. All other drugs and alcohol are illegal drugs for the purpose of this policy.

Employees who believe or have been informed that their use of a legal drug may present a safety risk, or may interfere in any way with their job performance, are required to report such drug use to their supervisor. The supervisor will contact Human Resources who will take steps to determine the employee’s fitness for work.

Human Resources may determine that verification is necessary to support an employee’s claim that the drug being used is a legal drug. In this case, the employee shall execute the necessary medical release(s) to enable OU MEDICAL CENTER to obtain such verification. Where it has been determined that the employee’s use of a legal drug adversely affects the employee’s job performance, it is in the best interest of the employee, patients and co-workers that the employee be relieved of his or her job duties, sent home and be required to be cleared through the Employee Health Nurse with a physician’s release before returning to work.
EMPLOYEE DRUG TESTING

The drug testing process will comply with the State Department of Health’s promulgated rules on drug testing. In the event any changes are made to this policy, employees will be provided a copy of the updated policy.

The drug testing procedures for employees are as follows:

1. OU MEDICAL CENTER may request or require an employee to undergo drug or alcohol testing if a reasonable suspicion exists that the employee has violated this policy. Reasonable suspicion is defined as follows:
   a) Observable phenomena, such as:
      (1) the physical symptoms or manifestations of being under the influence of a drug or alcohol while at work or on duty, or
      (2) the direct observation of drug or alcohol use while at work or on duty
   b) A report of drug or alcohol use while at work or on duty, provided by reliable and credible sources and which has been independently corroborated.
   c) Evidence that an individual has tampered with a drug or alcohol test during his current employment with OU MEDICAL CENTER.
   d) Evidence in the work place where circumstances justify such tests (i.e., missing narcotics, accidents or related patient care issues).
   e) Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while on duty or while on OU MEDICAL CENTER premises or operating OU MEDICAL CENTER vehicles, machinery or equipment.

2. Post Accident Testing: OU Medical Center shall require any employee involved in a work-related injury/accident which results in medical treatment and/or the loss of work to submit to a post accident drug and/or alcohol testing. Any employee that contributes to the injury of another party and/or causes damage in excess of $500.00 to property or equipment must undergo post-accident drug and/or alcohol testing. Refusal by the employee to submit to such testing may be grounds for termination.
   a) Any employee involved in a work-related accident which requires medical treatment shall report to the workers’ compensation office and receive a referral for medical treatment. The designated medical provider will provide medical treatment and conduct a post accident drug and/or alcohol test.
   b) If the accident occurs after 4:00pm or on the weekend and the employee receives treatment in the Emergency Department for a work-related injury, the employee will be required to report to the workers’ compensation office the next business day for a referral to the designated medical provider. The employee will receive follow up care and a post accident drug and/or alcohol test will be performed at that time.
c) Any employee involved in a blood or body fluid exposure will be required to report to the Employee Health department the next business day for post exposure follow up care and to receive a post accident drug and/or alcohol test.

d) Test results will be confidential and the results will be sent to the Workers’ Compensation Insurance carrier. Human Resources will be notified only if there is a positive result.

3. The hospital may search any hospital property and/or an employee’s personal property which has been brought onto hospital property (including but not limited to vehicles, handbags, briefcases, etc.) and the employee may be requested to submit to a search by hospital representatives of his/her person and/or property. An employee’s refusal to submit to a requested search may result in disciplinary action up to and including termination.

4. Employees are told the underlying reasons for the request to submit a specimen for testing and informed that if they refuse, it is grounds for termination. An employee who is unable to provide a specimen immediately is detained until a specimen is provided. Individuals unable to provide a specimen within three hours of being ordered to do so are considered to be refusing to submit the specimen.

5. The supervisor or other designated manager requesting the test will accompany the employee to the testing site and see that appropriate portions of a Chain of Custody Form are completed. For record keeping purposes, the employee’s social security number will be used.

6. The specimen is obtained from the employee in a specific sequence. Specimens are obtained by trained staff in the Employee Health Department or after 4:00 p.m., in a pre-established secure site using appropriate chain of custody procedures. Specimens may also be obtained from the employee by a pre-established, qualified, third party collection facility or representative.

The specimen is processed as follows:
   a) The specimen is kept in locked storage until it is picked up for delivery to the testing laboratory.
   b) Any positive screening test is confirmed using gas chromatography/mass spectrometry confirmation. All confirmed positive results are reported to the designated Medical Review Officer for review prior to informing the hospital.
   c) The testing laboratory maintains all confirmed positive specimens frozen for a period of one year.

7. An employee who wishes to request a retest of a sample in order to challenge the results of a positive test shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test. In such case, the employer shall reimburse the individual for the cost of the retest. If the retest does not reverse the original results, there is no further appeal process available to the employee.

Drugs tested may include but are not limited to:
   a) marijuana;
   b) opiates/synthetic narcotics: codeine; hydrocodone; hydromorphone; meperidine; methadone; oxycodone; propoxyphene; heroin; morphine;
   c) cocaine;
d) phencyclidine;  
e) amphetamines: amphetamines; methamphetamines; phentermine; methylenedioxyamphetamine; methylenedioxymethamphetamine; barbiturates: amobarbital; butalbital; pentobarbital; secobarbital  
f) benzodiazepines: diazepam; diazepoxide; alprazolam; clorazepate;  
g) methaqualon  
h) alcohol  
i) other drugs as appropriate  

If a test for alcohol use is done, the testing method will be blood test or breathalyzer.

**APPLICANT DRUG TESTING**

During the pre-employment process, applicants will be provided a copy of the Drug and Alcohol policy.

The drug testing procedures for applicants are as follows:

1. All job applicants to whom a conditional job offer is made will undergo drug testing. The drug test results will be valid for up to 60 days without requiring a re-test.

2. The hiring official or Human Resources’ staff will notify the job applicant to go to a specific, qualified, third party collection facility to provide a urine specimen at no cost to the job applicant. The job applicant will not receive a final job offer until the pre-employment process has been completed. The pre-employment process includes the drug test.

3. Any job applicant who refuses to submit a specimen will be informed that submitting a specimen is a condition of employment.

4. An applicant who has tested positive must wait at least 90 days before re-applying.

5. The drugs tested for may include, but are not limited, to the drugs listed above in the Employee Drug Test portion of this policy.

6. An applicant who wishes to request a retest of a sample in order to challenge the results of a positive test shall pay all costs of the retest, unless the retest reverses the findings of the challenged positive test. In such case, the employer shall reimburse the individual for the cost of the retest.

**CONFIDENTIALITY**

OU MEDICAL CENTER shall maintain all drug and alcohol test results and related information including, but not limited to, interviews, reports, statements and memoranda as confidential records, separate from other personnel records. Such records, including the records of the testing facility, shall not be used in any criminal proceeding, or any civil or administrative proceeding, except in those actions taken by the employers or in any action involving the individual tested and the employer or unless such records are ordered released pursuant to a valid court order.
The records described above shall be the property of the employer and, upon the request of the applicant or the employee tested, shall be made available for inspection and copying to the applicant or employee. An employer shall not release such records to any person other than the applicant, employee or the employer’s review officer, unless the applicant or employee, in writing following receipt of the test results, has expressly granted permission for the employer to release such records or pursuant to a valid court order.

Only the designated Medical Review Officer is authorized to receive confirmed positive results from the testing laboratory. A Medical Review Officer (MRO) is a physician who has had experience and training in dealing with drug abuse issues. The MRO has the responsibility to evaluate test results and determine whether or not there is a reasonable medical reason for positive results. The MRO may contact the individual being tested to gather additional information such as prescriptions and other clinical information. The MRO serves as liaison between the testing facility and the hospital to assure the process and results are legitimate. The MRO notifies the Director of Human Resources or other hospital officials who absolutely need to know about the test results.

The hospital takes action on a confirmed positive result only after receiving a report from the MRO. The employee or applicant has every opportunity to explain, in confidence, the presence of any drug in his or her system to the MRO and to substantiate the explanation with medical evidence.

No laboratory reports or test results appear in the personnel folder. Information of this nature is included only in the employee’s individual drug screen file maintained by the Employee Health Nurse and MRO.

Due to the nature of hospital operations and variations necessary to accommodate individual situations, the provisions of this policy or of any related policies, practices or guidelines may not apply to every employee in every situation.

**TRAINING**

All OU MEDICAL CENTER supervisors/managers shall be formally trained in the provisions and requirements of this policy within twelve (12) months of the implementation of this policy, or within six (6) months of an employee assuming supervisory responsibility through either promotion or new hire.

**Supersedes:** HR 6-40, Drug and Alcohol, 7/2004
Approved OUMC Committee, if applicable:
Approved Policy and Procedure Committee: 7/09/09
Approved Senior Operations: 7/13/09
Approved Board of Trustees, if applicable: N/A