

JFK MEDICAL CENTER

MANUAL: Administrative Policy & Procedure Manual

SECTION: Human Resources

DISTRIBUTION: All Departments

SUBJECT: Substance Use in the Workplace

EFFECTIVE DATE: 12/06

REVIEWED DATE: 09/07

REVISED DATE: 3/09, 6/10, 9/10, 5/11

PREPARED BY: Work Comp Case Manager/Employee Health Nurse

APPROVED BY: Refer to the Administrative Policy & Procedure Approval Form

SCOPE:

All Company-affiliated facilities including, but not limited to, hospitals, ambulatory surgery centers, home health agencies, physician practices, service centers, outpatient imaging centers, and all Corporate Departments, Groups, Divisions and Markets. This policy covers all employees as well as those applying for employee positions.

PURPOSE:

To prohibit inappropriate drug or alcohol use by our employees in the workplace in order to prevent a threat to the quality of care we provide to patients, the safety of our workplace and a healthy work environment. To articulate our intent that all conduct be consistent with all relevant federal, state and local laws and regulations relating to drug or alcohol use by employees (this includes employees and Facilities outside the U.S. and the laws of the country where the Facility is located). To the extent that this policy conflicts with such laws and regulations, such laws and regulations will govern. A state-by-state list of drug-free workplace regulations is available online at <http://www.dol.gov/asp/programs/drugs/said/StateLaws.asp>.

POLICY:

1. Assistance

a. The Company recognizes that alcohol abuse, substance abuse, and addiction arise out of treatable illnesses. The Company also realizes that early intervention and support improve the success of rehabilitation. To support employees, the Company:

- i. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- ii. Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

iii. Offers all employees and their family assistance with drug or alcohol problems through the Employee Assistance Program (EAP).

iv. Allows eligible staff the use of accrued paid leave while seeking treatment for drug or alcohol problems.

b. Treatment for alcoholism and/or drug use disorders may be covered by a personal benefit plan. However, the ultimate financial responsibility for treatment belongs to the individual.

2. Shared Responsibility

a. A safe and productive workplace free of inappropriate alcohol or drug use is achieved through cooperation and shared responsibility.

B. It is the responsibility of each employee to:

i. Adhere to this policy.

ii. Notify his or her supervisor at the Facility of any arrest or conviction involving drugs or alcohol prior to his or her next scheduled shift or clinical duty.

iii. Cooperate fully with any investigation related to alleged violations of this policy.

iv. Investigate, report, and/or intervene in the event of reasonable suspicion of violations of this policy.

v. Safeguard Controlled Substances from unauthorized access.

c. It is the responsibility of each Facility's management to:

i. Inform employees of this policy.

ii. Make the policy easily accessible to employees.

iii. Contract with an accredited reference lab for drug testing, transmit to the lab a copy of this policy, and ensure that the lab has a physician who will serve as a Medical Review Officer (MRO) for testing and interpretation.

iv. Periodically conduct substance abuse training for supervisors.

v. Promote employee awareness of the Company's assistance programs, including the Employee Assistance and Rehabilitation Assistance Programs.

vi. Investigate reports of reasonable suspicion of violations of this policy.

vii. Take action with respect to violations of this policy. Such action could include counseling with respect to professional help, referral to the Employee Assistance Program, disciplinary action, or termination.

viii. If required by accreditation, certification, licensure, or legal requirements, or if management of the Facility believes it to be appropriate, timely notify the appropriate authorities of any such action.

ix. Maintain all documents pertaining to reports and investigations pursuant to the Records Management Policy, EC.014.

3. Prohibited Behavior

- a. The following activities are strictly prohibited and may lead to discipline, up to and including immediate discharge:
- i. The sale, manufacture, distribution, purchase, use, or possession of alcohol, alcoholic beverages, illegal substances, non-prescribed controlled substances, or drug paraphernalia by an employee on Facility premises or during his or her working hours.
 - ii. Reporting to work, or being at work, while under the influence of or while impaired by alcohol, alcoholic beverages, illegal substances, prescribed or non-prescribed controlled substances. For the purpose of the Policy, an employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a blood alcohol level of .04 or more.
 - iii. Reporting to work, or being at work, with the smell of alcohol on one's breath or person, or a measurable quantity of non-prescribed Controlled Substances in one's blood or urine.
 - iv. A conviction for sale or possession with intent to distribute any drugs, including prescription drugs.
 - v. Theft or diversion of facility medications.
 - vi. Refusal for any reason to submit or consent to a drug/alcohol screen requested by any management personnel at the Facility.
 - vii. Participation in any act that would create or allow false documentation of security and/or safety practices.
 - viii. Tampering with or otherwise altering drug testing samples or security equipment or systems.
- b. Notwithstanding the foregoing, during facility-sponsored activities, the facility CEO, Administrator, Practice Manager or individual with senior level responsibility for the facility, at his/her discretion, may approve the responsible and limited serving of alcoholic beverages.
- c. Prescription medications are not prohibited under this policy when taken as prescribed under the direction and monitoring of a physician.

5. Searches

If a supervisor has a reasonable suspicion that an employee has violated this policy, the supervisor may require the employee to submit to a search or inspection. By entering Facility property, each employee consents to such searches and inspections. Searches can be conducted of pockets, clothing, lockers, wallets, purses, briefcases, lunchboxes, backpacks, duffel bags, desks, work stations, equipment, and other areas. See also the Company's general policy regarding searches in the Theft and Violence in the Workplace Policy, SS.001.

6. Drug and Alcohol Testing

- a. To ensure the accuracy and fairness of our testing program, all collection and testing will be conducted pursuant to guidelines established by the Medical Review Officers and, if applicable, in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines; a confirmatory test; the opportunity for a split sample; review by an MRO, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.
- b. All drug-testing information will be maintained in separate confidential records.
- c. Employees will be required to participate, at a minimum, in testing as follows:
 - 1) post offer, pre-employment;
 - 2) prior to an acquisition which includes the employment of the seller's employees, Corporate Human Resources will compare the seller's drug testing policy to this policy in the required due diligence process and will make a recommendation to the Division President expected to operate the newly acquired business based on that comparison.
 - 3) upon reasonable suspicion;
 - 4) after a reportable accident; and
 - 5) after an on-the-job injury to any person (e.g., another employee, a patient, the person to be tested) when it is possible that the acts or omissions of the employee to be tested may have caused or been partially responsible for the injury.
- d. Substances tested for at hire must at a minimum include amphetamines, barbiturates, benzodiazepines, opiates, marijuana, codeine, and cocaine. Reasonable suspicion and reportable accident testing should include amphetamines, barbiturates, benzodiazepines, carisoprodol, opiates, fentanyl analogues, methadone, meperidine, marijuana, and cocaine.
- e. Testing for the presence of alcohol will be conducted by analysis of breath, saliva, blood or other accepted testing methodology.
- f. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, saliva, or other accepted testing methodology.
- g. The MRO will review all non-negative reports. Any non-negative drug test result due to a physician-approved medication will be reported as a negative result. If it appears that the person tested is impaired by the use of medications for which the employee has a valid prescription, the report should note that fact. Medications that could affect an applicant's ability to perform his or her job may result in restrictions or recommendation for accommodation with respect to those tasks.

7. Violations of Policy

Employees will be subject to discipline, including possible termination, if they violate this policy in any way.

8. Pre-Employment Tests

With respect to a person who has been offered employment, if the person refuses to take the pre-employment drug tests described above, or tests positive for any non-prescribed Controlled Substances or Illegal Substances, the offer of employment will be withdrawn.

DEFINITIONS:

Controlled Substances: any drug or chemical substance whose possession and use are regulated under the Controlled Substances Act.

Illegal Substances:

any drug the possession or sale of which violates federal law (in the U.S.) or the country, state or local law of the jurisdiction in which the Facility is located.

Impairment:

Practitioner impairment occurs when a substance-related disorder interferes with his or her ability to engage in professional activities competently and safely.

Medical Review Officer (MRO):

A licensed physician not employed by HCA or an HCA affiliate who oversees the medical aspects of this policy. The MRO could be affiliated with the reference lab contracted with by the Facility. The MRO should have appropriate medical training to interpret and evaluate an individual's positive test results, medical history and any other relevant medical information.

HCA Affiliate:

any entity (partnership, corporation, joint venture, LLC, etc.) that HCA ultimately owns or controls 50% or more of, including its 50% owned joint ventures. Facility: a facility owned by an HCA Affiliate, including, but not limited to, hospitals, ASCs, urgent care and imaging centers, billing offices, revenue service centers, and corporate, division, and market offices.

Reportable Accident:

Any employee involved in an on-the-job accident which involves injury requiring medical treatment or evaluation to the employee or another person, property damage, or lost time from the job will be required to be tested for drugs and alcohol. An exception may be made provided it is immediately apparent to management that the employee is not at fault.

PROCEDURES:

1. General

- a. upon notification that any person has a reasonable suspicion that an employee of a Facility is violating, or has violated, this policy, the leadership of the Facility shall conduct an investigation. If, after an initial investigation, there appears to be some credibility to the suspicion, the Facility shall take whatever action necessary to protect

patients and employees, including, if the circumstances indicate that it is appropriate, immediately removing the employee from his or her work area and escorting him/her to a designated testing location, and conducting a search of the work area. The employee will be asked to sign a consent form prior to testing.

b. Any employee who is tested based upon a reasonable suspicion of a violation of this policy shall be immediately suspended pending results.

c. any employee whose blood alcohol content exceeds the maximum set forth in this policy, or tests positive for non-prescribed Controlled Substances or illegal substances, will be immediately suspended. The Facility shall then seek legal review by the employment section of the Legal Department.

d. During a suspension for violation of this policy, the employee shall not be allowed access to the Facility with the exception for medical

e. The Facility will provide employees who test positive with contact information for substance abuse resources.

2. Voluntary Self-Reporting

An employee who voluntarily self-reports substance abuse may, in the Facility's sole discretion, be offered an opportunity to participate in a rehabilitation program. In such cases, the Facility may require, as a condition of continued employment, that the employee abide by the terms set forth by the Facility.

3. Organizational Reporting

In the event of a violation of this policy, the Facility will, if required by law, or if not required then if the Facility deems it appropriate, notify: (a) governmental agencies with jurisdiction over drug and alcohol issues (e.g., police, FDA, DEA); (b) if applicable, any professional licensing boards; and (c) appropriate Company executives (e.g., Division, HR, Legal, PR, Risk Management, HCI).

4. Confidentiality

All information received by the Facility through compliance with this policy is confidential. Access to this information is limited to those who have a legitimate need to know within the Company or those outside the Company in law enforcement.

5. Communication and Training

Communicating this policy is critical to the Company's success. To ensure all employees are aware of their role in supporting this policy, each Facility shall prepare a plan for ensuring:

- a. The policy will be reviewed in orientation sessions for all employees.
- b. The policy will be reviewed annually by all employees.
- c. Leadership/designee will discuss the policy and organizational procedure during orientation of staff managers.

6. Financial Reporting

- a. Charges for employee drug screens, physician physicals, and fit for duty physicals should be reported under Account Title: Post Employment Drug Screens/Physicals #294.
- b. Charges for potential employee drug screens, physician physicals, and fit for duty physicals should be reported under Account Title: Pre-employment Backgrounds/Drug Screens/Physicals #866.

7. Policy Monitoring

Monitoring of policy compliance will occur through Compliance Process Reviews by the Corporate Ethics and Compliance Department and Quality Review System Surveys by the Clinical Services Group.

REFERENCES:

Records Management Policy, EC.014

Theft and Violence in the Workplace Policy, SS.001

Pre-Employment Health and Drug Screen Process Flow Charts