



substance abuse/fitness for duty

Purpose:

Cook Children's Health Care System (CCHHS) has a vital interest in maintaining a safe, healthy and productive work environment for the protection and benefit of both patients and hospital staff that is as reasonably possible from the damaging effects of drug or alcohol use. In view of this interest, and because a policy designated to eliminate drug abuse and its effect in the workplace is required by law, CCHCS will maintain this policy.

Scope:

This policy applies to all current prospective employees of CCHCS. Students doing rotations or observations will be expected to comply with the terms of the policy. Employees of service contractors are also expected to abide by the terms of this policy. However, because employees of service contractors are not employees of CCHCS, testing provisions will not apply.

Policy:

It is the policy of CCHCS to prohibit any of the following when occurring on-the-job:

- A. The possession, manufacture, dispensing, use or sale of illegal drugs, or the paraphernalia which are used to consume or make illegal drugs.
- B. Reporting to work or performing job duties while under the influence of illegal drugs. Any employee whose drug test results in a confirmed positive will be deemed to be in violation of this policy.
- C. Reporting to work or performing other job duties while under the influence of other drugs, including prescription or over-the-counter drugs, when there is any possibility that such use may adversely affect the employee's ability to safely perform his/her job, or may adversely affect his/her safety or that of patients or other employees. Any restrictions to be observed while taking prescription or over-the-counter drugs will be reviewed by the employee's supervisor. Prescription drugs will be in the original container, which identifies the drug, dosage, prescription date, and prescribing physician.
- D. Reporting to work or performing job duties while under the influence of alcoholic beverages. The consumption of alcoholic beverages on CCHCS property is prohibited at any time other than at a sanctioned event, which has been approved by a president of CCHCS.
- E. CCHCS will provide information regarding this policy to each employee on or before the first day of work and will secure a signed acknowledgement of the employee's receipt of the policy.
- F. Off-Duty Conduct – CCHCS reserves the right to take disciplinary action up to and including discharge, in the event an employee's off-duty involvement with drugs and/or alcohol is damaging to CCHCS' reputation or business and/or is inconsistent with the employee's job duties or when such off-duty involvement affects the employee's job performance.
- G. Rehabilitation Programs – Employees of CCHCS are encouraged to seek treatment when they feel that their use of drugs or alcohol warrant treatment. CCHCS provides an Employee Assistance Program (EAP) for many types of counseling services including drug and alcohol assessment and follow-up. Any employee who either voluntarily or involuntarily enters into a substance abuse rehabilitation program, including the EAP offered through CCHSC, may, as a condition of reinstatement, be required to submit to a drug test at any time for 12 to 24 months after successful completion and release from the rehabilitation program.

Procedure:

In order to ensure compliance with this policy, the following methodology will be utilized:

- A. A drug test will be performed prior to employment for all prospective employees, and will be arranged by the Human Resources department. A confirmed positive result or refusal to take the drug test will result in withdrawal of the employment offer. Consideration for future employment will be contingent upon the applicant completing an approved rehabilitation program.
- B. If a member of the CCHCS management staff has a reasonable individualized suspicion that an employee has violated this policy, and the manager is not a direct supervisor of the employee, the direct supervisor will be consulted to establish reasonable individualized suspicion. There will be a consensus of opinion among at least the employee's supervisor or director and one other member of the CCHCS management staff that the employee has violated this policy in order to establish reasonable individualized suspicion. Once reasonable individualized suspicion has been documented, the employee will be subject to search and/or drug testing. When drug testing is requested, the employee will be suspended pending the results of the drug test. An employee who refuses to comply with a request from a member of the administrative staff for testing will be considered in violation of this policy and will be subject to termination.

- C. Any employee who believes that he/she has witnessed a violation of this policy will report the suspected violation to his/her supervisor or director.
- D. In any situation in which an employee is deemed unfit for duty and is to be sent home, transportation will be arranged by the employee's supervisor.
- E. Employees will be subject to random drug testing. In addition, random drug screens will be performed on at least 15% of the security officers on a quarterly basis (Texas Commission of Private Security Section 430.36). The drug test will be arranged by occupational health. Any employee who refuses the random drug test will be subject to termination. Failure to report for the drug test will result in disciplinary action, up to and including termination.
- F. In the event of a confirmed positive test result, all pertinent documentation will be forwarded to the Human Resources department so that a complete investigation and an administrative review can be performed. The employee may be granted appeal procedures deemed appropriate by the administrative staff prior to the commencement of final disciplinary action.
- G. Any employee who is found in violation of this policy by a confirmed positive drug test will be required to complete a rehabilitation program and/or be subject to termination. A repeat violation during or after the completion of a rehabilitation program will result in termination.
- H. Employees who are required to be licensed or certified in their profession, and who are found in violation of this policy, will be reported to their certifying/licensing authority. An employee whose license is revoked may not be permitted to work in his/her current job.
- I. Any employee convicted on a charge of illegal possession, use, distribution, purchase, or sale of any drug or alcohol will report such conviction to his/her director or administrator within five days of the conviction regardless of whether there will be an appeal. Any employee so convicted will be required to complete an approved rehabilitation program or be subject to termination. An employee convicted of a felony will be terminated without the opportunity for rehabilitation.
- J. Students, volunteers, and service contractors and/or their employees will be removed from CCHCS property by a member of the administrative staff or practice manager when there is reasonable individualized suspicion that they are in violation of this policy.

Drug Testing:

CCHCS reserves the right to perform drug testing of employees in accordance with the above procedure. This process for testing will be as follows:

- A. CCHCS will under no circumstances perform a drug test on an employee without first obtaining the employee's signed consent. Signed consent will also be obtained for the release of the test results. If an employee refuses to consent to a drug test or authorize release of the test results, the employee will be informed that such refusal constitutes grounds for termination of employment. The consent form will be designed to allow the employee to indicate any type of medication currently being taken along with any other information which may affect the results of the drug test.
- B. Any drug test that is performed on an employee will be performed in accordance with the management guidelines for this policy. To conduct the test, CCHCS will utilize the services of a registered testing laboratory which is certified by either the Substance Abuse and Mental Health Services Administration (SAMHSA) or the College of American Pathologists (CAP) or both. The test will consist of an approved initial screening test such as the Enzyme-Multiplied Immunoassay Technique (EMIT) and an approved confirmatory test such as Gas Chromatography/Mass Spectrometry (GC-MS) on any sample taken from an employee that produces a positive test result on the initial screening. In any test, care will be taken to ensure that proper chain of custody procedures are followed.
- C. If an employee states on the consent form that he/she is taking medication prescribed by a physician, or an over-the-counter drug, the employee will be asked to take the test anyway. If the test reveals the presence of a prescribed drug, the employee will be required to show proof of prescription and will be subject to disciplinary action if unable to provide such proof. The medical review officer (MRO) will make a determination as to whether the drug screen is positive. If the prescription or over-the-counter drug renders the employee unfit for duty, the employee will not be permitted to work while under the influence of the drug.
- D. In the case of a reasonable individualized suspicion, a member of the administrative staff will be contacted to make the decision to ask the employee to submit to a drug test. The sample collection for the drug test will be performed prior to the end of the employee's shift in accordance with the management guidelines for this policy.
- E. The fact of the test, and any test results, will be kept strictly confidential. The Occupational Health department will be designated to receive test results, and in the case of a positive test will refer to the designated MRO. The results of the test and any additional information available from Occupational Health will be reviewed by the MRO in order to confirm the test results. Once positive test results have been confirmed, the Human Resources department will notify the employee and the appropriate management staff of those results on a need-to-know basis only. The applicant who has a positive screen will be denied employment and notified by the recruiter. Negative results will be filed in the individual's Occupational Health record.
- F. The results of the investigation will be maintained as follows:
 - 1. Confirmed Positive Test – All documentation, with the exception of the actual drug test results, will be maintained in the employee's Human Resources department file.
 - 2. Test Results Not Confirmed Positive – All documentation, with the exception of the actual drug test results, will be maintained in a secured, separate file in the Human Resources department.
- G. Drug test results will be kept in the employee's health record and will be maintained by the Occupational Health department. Results of pre-employment drug tests on those prospective employees whose employment offers are withdrawn will be maintained by the Occupational Health department with a note indicating such attached to their applications and maintained by the Human Resources department.