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Human Resources Compliance Manager
Area Human Resources
Applicability Memorial Healthcare System

E-17 Drug-Free Workplace Program

PURPOSE

It is prohibited for any employee or applicant to use, consume, and/or be under the influence of alcohol or any drugs (including, without limitation, prescription drugs) which might impair judgment, safety, or performance of job duties. It is prohibited for any individual to illegally possess, sell or trade drugs on Healthcare System premises.

SCOPE

Memorial Healthcare System Employees and Applicants

POLICY GUIDELINES

For the purposes of this policy, the term “drug/drugs” shall be used pursuant to Section of 440.102 of the Florida Statutes and includes alcoholic beverages.

In order to identify potential impairment due to the abuse of drugs, and to prevent danger to patients, employees, themselves, and others, all applicants for employment shall be required to submit to testing for drug use prior to beginning employment. In addition, all employees shall be required to submit to testing whenever a reasonable suspicion exists for diversion or impairment due to alcohol or drugs.

Employees returning from treatment for substance abuse problems shall be required to submit to testing on a random and/or unannounced basis.

Employees must remain free from illegal drugs. The Healthcare System also recognizes that prescribed

medications can be abused, and can cause impairment.

Any individual found to have been tampering with a specimen to be tested shall be precluded from employment by the Healthcare System permanently.

PROCEDURES

APPLICANTS

All prospective employees who have been conditionally offered employment by the Healthcare System must be tested for drug use. Refusal to consent to drug testing, or a test result that shows the presence of any illegal drug or which is indicative of the abuse of any legal drug, will result in rescission of the conditional offer of employment and preclusion from employment by the Healthcare System for a period of one (1) year.

EMPLOYEES

The Healthcare System will maintain screening practices to identify employees who use illegal drugs, or abuse legal drugs, either on or off the job. Refusal to consent to testing for drugs shall result in termination of employment. It shall be a condition of continued employment for all employees to consent to drug testing under the following circumstances:

1. When there is reasonable suspicion that an employee is using or has used illegal drugs, or is abusing legal drugs, including without limitation, a prior test on the individual indicating the use of illegal drugs or the abuse of legal drugs.
2. Employees returning from treatment for substance abuse problems shall be required to submit to random and/or unannounced tests for drugs at any time on the job.
3. Reasonable suspicion for testing includes, without limitation, the following circumstances:
 - a. Whenever there has been any mishap or accident involving an employee in which injury to persons or damage to property has occurred.
 - b. A significant deterioration in the performance of any employee including, without limitation, absenteeism, and/or tardiness.
 - c. Any employee displaying symptoms of the use of drugs, including, without limitation, dilated pupils, slurred speech, drowsiness, rapid speech, disorientation, or unusual/ uncharacteristic behavior.
 - d. Circumstances in which there is evidence to suggest that drugs intended for patient use are, or may be, stolen or diverted. In these circumstances, all persons who have access to, or possible access to, such drugs may be subject to the testing requirements outlined herein.
 - e. Anytime an alcoholic beverage or drug is found in the work area all employees in that work area may be subject to the testing requirement specified herein.
 - f. Credible information that an employee has used, sold, solicited, or transferred drugs on the job.
 - g. Credible information that an employee has tampered with a previously administered drug test required hereunder.

Employees whose test indicated illegal use of drugs or abuse of legal drugs while off the job may be disciplined, up to and including termination, or may be required to undergo treatment, counseling, or participate in an impaired practitioner program.

Employees who use drugs on the job or who are impaired by abuse of legal or illegal drugs on the job, shall be terminated, and for licensed or regulated professionals, shall be reported to their regulating Board, Department, or impaired practitioner program.

If it is uncertain as to whether the drug was used on or off of the job, it shall be presumed to be on the job.

Employees Returning from Treatment

Employees returning from treatment for substance abuse problems shall be required to:

1. Continue regular attendance at meetings and aftercare group as ordered or recommended by the Rehabilitation Program, physician, or agency.
2. Remain free from all drugs.
3. Submit to random and/or unannounced tests to determine the presence or absence of alcohol and/or mood-altering drugs, as specified above.
4. Provide the Healthcare System with a valid release to obtain information from the treatment center or any other substance abuse rehabilitation agency, physician, or entity.
5. Maintain job performance at acceptable levels. If job performance does not meet acceptable levels of performance and/or the employee does not comply with the guidelines stated above, such employee shall be subject to disciplinary procedures up to and including termination.
6. The employee's agreement to abide by these guidelines shall be in writing and signed by the employee, the director of the department, the direct supervisor and the program counselor, if applicable. Nothing in this agreement or Policy alters or limits the fact that employment is subject to the will and pleasure of the Healthcare System. Licensed employees will also comply with licensure guidelines for chemically impaired professionals returning to work.

REASONABLE SUSPICION DRUG TESTING

The assigned Employee Relations Partner (or designee) must be consulted prior to conducting any reasonable suspicion testing.

Pursuant to F.S. 440.102(4)(o), the supervisor must promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

PROCEDURES

The collecting, transmittal, and testing procedures to be followed will be as specified in Chapter 59A-24 of the Florida Administrative Code, with the exception of 59A-24.004(1), which limits testing of hallucinogens to PCP, and synthetic narcotics to methadone, propoxyphene, and further limits testing for designer drugs. The Healthcare System recognizes that it is not legally bound to follow the procedures prescribed by Chapter 59A-24 of the Florida Administrative Code, but adopts these procedures by reference, with the exception of 59A-24.004(1), because the Healthcare System believes that these

procedures are comprehensive, and properly balance individual rights against safety concerns.

The procedures outlined in Rule 59A-24 of the Florida Administrative Code include, without limitation, the following:

1. A chain of custody procedure so as to reasonably preclude the likelihood of an error in identifying test results.
2. Reasonable privacy when providing specimens, unless there is reason to believe that tampering has been attempted.
3. Quality control criteria which a testing laboratory must meet in order to be used by the Healthcare System in connection with its testing program.

The Healthcare System designates its Employee Health Nurses and Administrative Nursing Supervisors to act as the "Collection Site Person" as defined under Florida Administrative Code 59A-24. Other trained persons may be designated to act as the Collection Site Person either

At the conclusion of testing, the employee will be sent home pending lab results. Transportation must be provided as needed.

The Employee Health Department will notify the Employee Relations Partner as soon as results are received. A copy of the report will also be forwarded.

Within (5) working days after receipt of a confirmed positive test result indicating the presence of drugs, the Healthcare System shall, inform the employee, or the employment applicant, of such positive test result, and the consequences, and the options available.

Upon request, an employee or applicant for employment will receive a copy of the test result report.

All drug testing information will be kept confidential to the fullest extent permitted by law.

When the Employee Health Department is open:

Any individual for whom testing is required as specified above shall be escorted to the Employee Health Department.

At the Employee Health Department, the specimen shall be obtained, and then sent for testing.

When The Employee Health Department Is closed:

1. When there is a reasonable suspicion of impairment due to the use of drugs or alcohol, the employee's immediate Supervisor should notify the Nursing Administrative Supervisor who will assist in determining the need for testing.
2. Security may be asked to accompany the employee and Administrative Nursing Supervisor to the collection site to obtain specimens. The Employee Health Department ARNP/RN on-call will be notified. The specimen will be collected by Employee Health Department staff or the Administrative Nursing Supervisor.
3. The Laboratory Supervisor, or designee, may be called for phlebotomy services as needed.
4. The blood and urine will be collected according to the chain of custody procedure as outlined in the Chain of Custody form.

5. The contracted laboratory will be contacted if a special, non-scheduled pick-up is needed.
6. The Department Leader or Nurse Manager should be notified.
7. The Human Resources Director and Employee Relations Partner must be notified.

Drug-Testing Procedures for Remote Employees

When there is a reasonable suspicion of impairment of an employee who works remotely, the employee's Supervisor should immediately notify their Employee Relations Partner, and detail the circumstances which formed the basis of the reasonable suspicion. Either mobile specimen collection services will be used or the employee will be provided transportation to the testing location. In no instance will an employee who is suspected of being impaired be asked to drive to a testing location. The employee's access to Memorial systems will then be suspended pending receipt of the test results as described above.

DEFINITIONS

Drug: The term "drug" is defined in Florida Statute 440.102, which includes, without limitation, alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed.

Drug Test: Memorial drug testing procedure is a two-part test which consists of a urine panel and blood test. An employee must consent to both parts of the test in order to be considered compliant with this policy.

REFERENCES

Florida Administrative Code Chapter 59A-24 Drug-Free Workplace Standards

Florida Statute 440.101, Legislative intent; drug-free workplaces

Florida Statute 440.102, Drug-free workplace program requirements

POLICY OWNER

Human Resources

If any of the statements contained in this policy conflict with any verbal statements or agreements made by any representatives of MHS, then the statements contained in this policy will control the outcome of any such conflict.

Memorial reserves the right to change this policy in whole or in part, at any time, at its discretion or as required by applicable law, regulation, or governing/accrediting body.

Individuals who have questions about this policy should contact the Human Resources Department.

ONLINE LOCATION

All policies are subject to amendment. The most recent version of this policy can be accessed online: <https://mhs-system.policystat.com/>.

This Policy / Guideline / SOP is intended to provide Memorial health care professionals with guidelines for addressing the subject matter herein. This Policy / Guideline / SOP is not meant to be a substitute for the standard of care or to restrain professional judgment or opinion.

Approval Signatures

Step Description	Approver	Date
Policy Owner	Elizabeth Kang: Human Resources Compliance Manager	10/2023

Applicability

Memorial Healthcare System