



Substance Abuse Policy

Scope: All Practice affiliated facilities including, but not limited to, clinics, ambulatory surgery centers, hospitals, and labs. All Practice staff roles including, but not limited to, physicians, APRNs, employees, and shadowing students.

Purpose: To prohibit inappropriate drug, alcohol, or prescription medication use in the workplace to prevent a threat to the quality of care we provide to patients, the safety of our workplace, and a healthy, productive work environment.

To articulate our intent that all conduct be consistent with all relevant federal, state, and local laws and regulations relating to drug, alcohol, or prescription medication use by all Practice staff roles as defined above. To the extent this policy conflicts with such laws and regulations, such laws and regulations will govern.

Shared Responsibility

- A safe and productive workplace free of inappropriate alcohol, drug, or prescription medication* use is achieved through cooperation and shared responsibility.
- It is the responsibility of each staff member to:
 1. Adhere to this policy
 2. Notify his or her supervisor at the Practice of any arrest or conviction involving drugs or alcohol prior to his or her next scheduled shift of clinical duty
 3. Cooperate fully with any investigation related to alleged violations of this policy
 4. Report to Practice Management any reasonable suspicion of violations of this policy
 5. Safeguard Controlled Substances from unauthorized access
- It is the responsibility of the Practice to:
 1. Inform staff members of this policy
 2. Make the policy easily accessible to staff members
 3. Use an accredited reference lab for drug and alcohol testing and the appropriate medical personnel to review drug and alcohol test results
 4. Investigate reports of reasonable suspicion of violations of this policy
 5. Take action with respect to violations of this policy. Such action could include conducting an investigation, requiring drug or alcohol testing, counseling with respect to professional help, disciplinary action, or termination.
 6. If required by accreditation, certification, licensure, or legal requirements or if management of the Practice believes it to be appropriate, timely notify the appropriate authorities of any such action
 7. Maintain all documents pertaining to reports and investigations as required by law and/or Practice policy

Prohibited Behavior

- The following activities are strictly prohibited and may lead to discipline, up to and including immediate employment termination:
 1. The sale, manufacture, distribution, purchase, use, or possession of alcohol, alcoholic beverages, illegal substances, non-prescribed or improper use of controlled substances, or drug paraphernalia by any staff member while on Practice premises, practice vehicles, or during his or her working hours.
 2. Reporting to work, or being at work, while under the influence of or while impaired by alcohol, alcoholic beverages, illegal substances, or prescribed or non-prescribed controlled substances. For the purpose of this Policy, a staff member 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 .02 or more.
 3. Reporting to work, or being at work, with the smell of alcohol on one's breath or person, or a measurable quantity of drugs or non-prescribed Controlled Substances, as defined by Oklahoma law, in one's blood or urine.
 4. Use of alcohol, drugs, or non-prescribed controlled substances off Practice premises in a manner that affects personal work performance, the performance or safety of others, or the Practice's reputation in the community.
 5. The use of tobacco, both chewing and smoking (cigarettes, cigars, vape pens, etc.) in Practice facilities or vehicles. Staff members should ask their supervisor or HR Manager for the location of designated outdoor smoking areas. Staff members who choose to smoke in such areas are required to dispose of ashes and used cigarettes in the appropriate manner.
 6. Conviction or arrest under any criminal drug statute especially in circumstances which adversely affect the Practice's regard or reputation in the community.
 7. Theft or diversion of Practice medications, whether controlled or not.
 8. Refusal for any reason to submit or consent to a search or to a drug/alcohol screen test requested by any management personnel at the Practice.
 9. Participation in any act that would create or allow false documentation of security and/or safety practices.
 10. Tampering with or otherwise altering drug testing samples or security equipment or systems.
 11. Failure to fully and/or truthfully participate in any Practice investigation regarding this policy.
- While marijuana is now legal under certain circumstances under Oklahoma law, it remains an illegal drug under federal law. Holding a medical marijuana license does not entitle an employee to use, be under the influence of, or possess marijuana or marijuana products during the employee's work hours or while on Practice premises or on Practice business. These activities continue to be strictly prohibited by the Practice.
- Notwithstanding the foregoing, during Practice-sponsored activities, the Administrator, Practice Manager, or individual with senior level responsibility for the Practice, at his/her discretion, may approve the responsible and limited serving of alcoholic beverages.
- * Prescription medications are not prohibited under this policy when taken as prescribed under the direction and monitoring of a physician and when reported, as appropriate, by staff members.

Duty to Report

- A staff member must notify his or her supervisor whenever he or she is taking a prescribed or over-the-counter drug that the staff member has been advised will (or based upon the drug profile is likely to) impair job performance (e.g., drowsiness, diminished ability to focus, confusion, etc.).
- A staff member must immediately notify his or her supervisor if she or he has reasonable concerns another staff member has violated this policy.

Organizational Reporting

In the event of a violation of this policy, the Practice will, if required by law, or if not required then if the Practice 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 Practice executives (e.g., Physician Owners, HR, Legal, Risk Management).

Voluntary Self-Reporting

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

Searches

If a supervisor has a reasonable suspicion a staff member has violated this policy, the supervisor may require the staff member to submit to a search or inspection. By entering Practice property, each staff member consents to such searches and inspections. Searches can be conducted of pockets, clothing, lockers, wallets, purses, briefcases, lunchboxes, backpacks, duffel bags, desks, workstations, equipment, and other areas. Searches of Practice facilities and property for drugs or alcohol may be conducted at any time, with or without notice, and with or without suspicion.

General Procedures

- Upon notification any person has a reasonable suspicion a staff member of the Practice is violating or has violated this policy, the leadership of the Practice shall conduct an investigation. If, after an initial investigation, there appears to be some credibility to the suspicion, the Practice shall take whatever action necessary to protect patients and staff members, including, if the circumstances indicate it is appropriate, immediately removing the staff member from his or her work area, escorting him/her to a designated testing location, and conducting a search of the work area.
- Any staff member who is tested based upon a reasonable suspicion of a violation of this policy shall be immediately suspended pending results.
- Any staff member whose blood alcohol content exceeds the maximum set forth in this policy or who tests positive for non-prescribed Controlled Substances or illegal substances will be immediately suspended.
- During a suspension for violation of this policy, the staff member shall not be allowed access to the Practice.

Drug and Alcohol Testing

- For purposes of this Policy, individuals will be tested for alcohol and/or illegal drugs and controlled substances as well as for blocking agents or interfering substances.
- To ensure the accuracy and fairness of our testing program, all collection and testing will be conducted in accordance with the Oklahoma Standards for Workplace Drug and Alcohol Testing Act and its attendant regulations, and, if applicable, in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines..
- Applicants, staff members, and students may be required to participate in testing as follows:
 1. Post offer, pre-employment;
 2. Upon reasonable suspicion;
 3. At random;
 4. After a reportable accident; and
 5. After an on-the-job injury to any person (e.g., another staff member, a patient, the person to be tested) when it is possible the acts or omissions of the staff member to be tested may have caused or been partially responsible for the injury;
 6. Scheduled, fitness-for-duty, return from leave, and other periodic testing; or,
 7. Post-rehabilitation testing.
- Regarding applicant testing and random, scheduled, fitness-for-duty, return from leave, other periodic, and post-rehabilitation testing, the Practice will not terminate an Oklahoma employee in a non-safety-sensitive position who is a medical marijuana license holder based solely on a positive test for marijuana or the employee revealing that he or she is a medical marijuana license holder. However, a positive test for marijuana may be combined with other articulable factors, to cause the Practice to have a reasonable basis for believing that the employee was using, possessing, or under the influence of marijuana during the employee's working hours, on the Practice's property, or on Practice business, in which case, the Practice will follow its discipline policy outlined herein. Employees in safety-sensitive positions, as defined below, will be subject to termination for a positive test for marijuana, even if they hold a medical marijuana license.
- Testing for the presence of alcohol will be conducted by analysis of breath, saliva, blood, or other accepted testing methodology. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, saliva, or other accepted testing methodology.
- Following review by qualified medical personnel, test results will be reported to the supervisor or manager who ordered the testing. All non-negative results will be submitted by the supervisor to the Practice Manager to determine the appropriate recourse. Any non-negative drug test result due to a physician-approved medication will be reported as a negative result. If it appears the applicant or staff member tested is impaired by the use of medications for which the applicant or staff member 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.
- 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.

Testing Methods and Collection Procedures

Any drug and alcohol testing by the Practice will be treated as work time for purposes of compensation and benefits for current employees. The Practice will pay all costs of testing required by the Practice. However, if an individual requests a confirmation test of a sample in order to challenge the results of a positive test, the individual is responsible for the costs of the retest unless the retest reverses the findings of the challenged positive test. In such a case, the Practice will reimburse the individual for the costs of the retest.

Testing may be conducted either at laboratory facilities that are licensed by the State Department of Health or other designated regulatory body to perform drug or alcohol testing, or through use of any method which is reasonably calculated to detect the presence of drugs or alcohol, including but not limited to, urine analysis, breathalyzer testing, testing by use of a single-use test device, known as an on-site or quick testing device, to collect, handle, store and ship a sample for testing. Facilities doing urine analysis tests must either be certified for such tests by the Federal Department of Health and Human Services or be accredited for such tests by the College of American Pathologists or other organizations recognized by the State Board of Health.

A written record of the chain of custody of a drug or alcohol test sample shall be maintained from the time of the collection of the sample until the sample is no longer required. Management and supervisors are to restrict conversations concerning possible violations of this Policy to those persons who are participating in any questioning, evaluation, investigation or disciplinary action and who have a need to know about the details of the investigation.

Rights of Test Subjects

In conjunction with a drug or alcohol test, an individual has the ability to provide notification of any information which he or she considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information. An individual has the ability to explain, in confidence, the test results. Please note the presence of prescription or nonprescription drugs in one's system will be evaluated in light of any prescriptions and licenses held by the employee. However, if circumstances suggest an employee was in violation of this policy by being impaired while at work, on Practice property, or on Practice business, the fact that an employee holds a prescription or license for the drug will typically not provide adequate justification for the impairment. Each case will be evaluated individually, but at all times, being at work, on Practice property, or on Practice business in an impaired state is a matter that will be taken seriously and addressed to ensure a safe and productive work environment.

An individual has the ability to obtain copies of all information and records relating to that individual's testing. The Practice may make a reasonable charge for the copying of the records. If the individual tests positive on a drug or alcohol test, he or she may request a confirmation test within twenty-four (24) hours of receiving notice of a positive test in order to challenge the results. For purposes of this policy, "confirmation test" means a drug or alcohol test on a sample to substantiate the results of a prior drug or alcohol test on the same sample and which uses different chemical principles and is of equal or greater accuracy than the prior drug or alcohol test. Where a breathalyzer test was initially utilized, a confirmation test means a second sample

test that confirms the prior result. Where a single-use test was initially utilized, a confirmation test means a second test confirmed by a testing facility.

Confidentiality

All drug and alcohol testing information will be maintained in separate, confidential records. Records of all drug and alcohol test results and related information maintained by the Practice shall be the property of the Practice and, upon the request of the individual tested, shall be made available for copying and inspection to the applicant or employee. The Practice will only release such records to the following persons: 1) the individual tested; 2) the Practice's review officer; 3) another employer with whom the Practice contracts with if the individual tested works pursuant to such contract; 4) to a person or entity that has issued the Practice a valid judicial or administrative order; 5) a court of record or administrative agency if either the employer or the individual tested are named parties in the case or proceeding; or 6) to Practice employees, agents, or representatives who need access to such records in the administration of this policy. A testing facility, or any agent, representative or designee of the testing facility, shall not disclose to any employer, based on the analysis of a sample collected from an applicant or employee for the purpose of testing for the presence of drugs or alcohol, any information relating to the general health, pregnancy or other physical or mental condition of the applicant or employee.

Disciplinary Action

If a positive test result is received, or this policy is otherwise violated, the Practice may take any disciplinary action against the individual, up to and including discharge of an employee or the barring of a contractor from further work for the Practice. Employees who refuse to submit to drug and alcohol testing or tamper with such a test will be terminated.

Holding a medical marijuana license does not entitle an employee to use, be under the influence of, or possess marijuana or marijuana products during the employee's work hours, while on Practice premises or Practice business. Employees who use, are under the influence of, or are in possession of marijuana or marijuana products during work hours, on Practice premises or on Practice business will be in violation of this policy. The Practice shall not discriminate against any person with respect to any term or condition of employment and will not take adverse action against an employee in a non-safety-sensitive position who holds a medical marijuana license based solely upon that person's status as a medical marijuana license holder or the results of a positive drug test for marijuana or its components. However, the Practice will take action against employees who violate this policy. Employees in safety-sensitive positions need to understand they will be subject to disciplinary action for any positive test for marijuana, even if they hold a valid medical marijuana license.

Subject to applicable state law, an employee discharged on the basis of a refusal to undergo drug or alcohol testing or a positive test result shall be considered to have been discharged for misconduct for purposes of unemployment compensation benefits. A person who fails to request a confirmation test is likewise not eligible for benefits.

For purposes of workers' compensation, any employee who tests positive for the presence of alcohol, illegal drugs or illegally used chemicals or who refuses to take a drug or alcohol test required by the employer, shall be ineligible for such workers' compensation benefits.

Definitions

- **Controlled Substances:** Any drug or chemical substance whose possession and use are regulated under the Controlled Substances Act.
- **Illegal Substances:** The possession or sale of any drug which violates federal, state, or local law.
- **Impairment/Under the Influence:** Staff member impairment occurs when a substance-related disorder interferes with his or her ability to engage in professional activities competently and safely. Under the influence includes situations in which the employee is affected by a drug or alcoholic substance in any detectable manner. The symptoms of influence may include, but are not limited to, the impairment of physical or mental ability, such as slurred speech, difficulty maintaining balance, not being appropriately responsive to conversation or instruction, poor work performance, irrational behavior, such as staggering, sudden mood swings, or radical change in behavior, etc.
- **Practice:** All Practice affiliated facilities including, but not limited to, clinics, ambulatory surgery centers, hospitals, and labs.
- **Staff Member:** all Practice staff roles including, but not limited to, physicians, APRNs, employees, and shadowing students.
- **Reportable Accident:** Any staff member involved in an on-the-job accident which involves injury requiring medical treatment or evaluation to the employee, patient, or another person, property damage, or lost time from the job.
- **Reasonable Suspicion:** when a supervisor reasonably believes an individual may be under the influence of drugs or alcohol, including but not limited to, the following circumstances: (a) drugs or alcohol on or about the employee's person or in the employee's vicinity; (b) conduct on the employee's part that suggests impairment or influence of drugs or alcohol; (c) a report of drug or alcohol use while at work or on duty; (d) information that an employee has tampered with drug or alcohol testing at any time; (e) negative performance patterns, or, (f) excessive or unexplained absenteeism or tardiness.
- **Safety-Sensitive Positions:** positions in which employees are expected to perform tasks or duties that the Practice reasonably believes could affect the safety and health of the employee, patients, or others. This includes, but is not limited to employees who perform any of the following duties, (1) direct patient care; (2) dispensing pharmaceuticals; (3) handling, packaging, processing, storage, disposal or transport of hazardous materials; (4) the operation of a motor vehicle, other vehicle, equipment, machinery or power tools; or (5) repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage. Employees should contact Human Resources with questions about whether their own position is considered safety-sensitive.