

The Substance Abuse and Mental Health Services Administration (SAMHSA) provides the Federal Laws and Regulations for a Drug-free workplace. See these regulations at: <https://www.samhsa.gov/workplace/legal/federal-laws>.

Below is a sample Drug and Alcohol policy from Boston Medical Center. Be sure to consult your legal department to create a policy appropriate for your organization.

### DRUG AND ALCOHOL POLICY

**Purpose:**

Boston Medical Center (BMC) strives to maintain a safe, healthy and efficient environment, which enhances the welfare of our patients, employees and visitors. The purpose of this policy is to address the issue of impairment relating to the use of drugs or alcohol.

**Policy Statement:**

Impairment from drugs or alcohol while on the job, and on-the-job use, possession, theft, or sale of drugs or alcohol, is prohibited.

**Application:**

All employees  
Anyone providing patient care or services at BMC

**Exceptions:** None

**Procedure:**

A. Definitions:

1. "Under the influence" means that the employee is affected by a drug or alcohol or the combination of a drug and alcohol in any detectable manner.
2. "Legal Drug" includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used pursuant to a valid prescription for the purpose for which they were prescribed or manufactured.

3. "Illegal Drug" means any drug (a) which is not legally obtainable, or (b) which is legally obtainable but has not been legally obtained. This term includes prescribed drugs not being used for prescribed purposes.

#### B. Alcohol

Being under the influence or in possession of an unsealed container of an alcoholic beverage by any employee while performing BMC business or while in a BMC facility/property is prohibited. Under no circumstances should anyone who delivers patient care or provides essential services be impaired when arriving to work. No alcohol shall be served on BMC property.

#### C. Legal Drugs

Employees are permitted to take valid prescriptions and over-the-counter medications consistent with appropriate medical treatment plans while performing BMC business. When the prescribed or over-the-counter drug therapies affect the employee's job performance, safety or the efficient operation of BMC, Occupational Medicine/Employee Health Services or the Emergency Department should be contacted to perform a fitness for duty evaluation.

#### D. Illegal Drugs

Participating in any way in the use, sale, purchase, transfer or possession of an illegal drug by any employee while on BMC property is prohibited. The presence in any detectable amount of any illegal drug in an employee or possession of an illegal drug by an employee while performing BMC business or while in a BMC facility or on BMC property is prohibited.

#### E. Disciplinary Action

Violation of this policy may result in a disciplinary action up to and including termination, even for a first offense.

#### F. Drug and Alcohol Screening of Employees

BMC may request testing of those employees suspected of being under the influence of a drug or alcohol. Drug or Drug Classes to be tested shall include, but are not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, or cocaine metabolite, marijuana, opioids, methadone, methaqualone (Quaalude), phencyclidine (PCP), propoxphene (darvon), oxycontin. This screening will be conducted in the following manner:

1. BMC must have reasonable cause based on specific, observable facts to believe that the employee's faculties are impaired while on the job or while on BMC property/facilities because of the consumption of alcohol or of drugs.
2. Occupational Medicine/Employee Health Service/Emergency Department collects the specimen. The related documentation is identified numerically and not by the employee's name. The processing of the blood or urine specimen is performed by an outside laboratory and not a BMC laboratory. Breath testing for alcohol alone shall be conducted on BMC premises by BMC Staff. Results of the drug or alcohol screen are available only through the Vice President of Human Resources or his/her designee.
3. The employee shall have an opportunity to rebut, explain the test results or to refuse to be tested.

#### G. Procedures to be Followed Before Requesting Drug and Alcohol Screening

1. The supervisor/manager who observes or to whom it is reported that an employee may be under the influence of a drug or alcohol should endeavor to confirm the observations or report by establishing that there is reasonable cause for action which is manifested in the employee's behavior or job performance.
2. During normal business hours, the supervisor must first consult with Human Resources before initiating questioning about the use or possession,. During off-shift hours the Supervisor will contact the Off Shift Nurse Manager who will contact the Director of the appropriate department. The Supervisor must have another supervisor present (off shifts may use the Nursing Supervisor or Public Safety Supervisor) and should limit questioning to that which will determine the employee's general condition.
3. The supervisor must complete the Observation Checklist signed by both the supervisor and witness prior to requesting the employee to be present at Occupational Medicine/Employee Health Services/Emergency Department for medical assessment and obtaining of specimen.
4. If the employee then refuses to be tested, the employee should be asked to sign a refusal form, be informed that a refusal to be tested is considered by BMC to be the same as a positive result, placed on Administrative Leave without pay and told that, after further investigation, appropriate disciplinary action may be taken, up to and including termination. If the employee refuses to sign the sheet it should be noted on the form. The employee shall be offered transportation home via taxicab.
5. If consent for testing is provided, the employee should sign a form. Pending return of any test results, the employee should be placed on Administrative Leave without pay and told that depending on the results of the testing, appropriate disciplinary action may be taken once the test results are available, up to and including termination. If the test results are negative the employee will

receive back pay for the hours of Administrative Leave. The employee shall be offered transportation home via taxicab.

6. At the point that the employee has been placed on leave or suspended to await the results of the tests or because the employee has refused testing, the Vice President for Human Resources or his/her designee shall assume responsibility for the further direction of the incident. Additionally, reporting to specific regulatory boards may be required.
7. In the interests of maintaining confidentiality, management must limit the release of information regarding the application of this policy to those with a need to know, such as persons participating in an investigation or other action taken pursuant to this policy. Nothing in this policy may be construed as a promise or guarantee of confidentiality.

#### H. Relationship to Employee Assistance Program (EAP)

BMC maintains an outside Employee Assistance Program (EAP) which provides confidential help to employees who suffer from alcohol or drug use and other personal/emotional problems.

However, it is the responsibility of each employee to seek assistance from the EAP before alcohol and drug problems lead to disciplinary action which can include termination for a first offense. Once a violation of this policy occurs, subsequent use of the EAP on a voluntary basis will not necessarily lessen disciplinary action and may have no bearing on the determination of appropriate disciplinary action.

Should an employee choose to make known his/her decision to seek prior assistance from the EAP, this fact will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. On the other hand, using the EAP will not be a defense to the imposition of disciplinary action where facts proving a violation of this policy are obtained outside of the EAP.

Accordingly, the purposes and practices of this policy and the EAP are not in conflict and are distinctly separate in their applications.

#### I. Rehabilitation

Employees may on their own volition admit to a drug or alcohol problem before job performance is affected and may be eligible to take an FMLA leave.

#### J. Involvement of Law Enforcement Agencies/Licensing Agencies

The use, sale, purchase, transfer, theft or possession of an illegal drug is a violation of the law. BMC will refer illegal drug activities to law enforcement and licensing and credentialing agencies when appropriate. Additionally, BMC will make other appropriate notification to licensing agencies as required for any drug or alcohol

related impairment. All referrals will be made with notification to Senior Management (appropriate Vice President and the Vice President for Human Resources).

#### K. Non-Employees

For non-employees who are impaired while providing care or services on BMC property, the Vice President of the area where the care or service is being provided and the Vice President of Human Resources or his/her designee shall be notified immediately. On nights and weekends, the Nursing Supervisor shall be notified immediately. Notifying these individuals does not relieve any licensed personnel of his/her separate professional reporting obligations.

**Responsibility:** The administration of this policy is the responsibility of each Vice President, all department heads and supervisors, administrators, and on-duty nursing supervisors working in conjunction with the Vice President for Human Resources or his/her designee.

**Other Related Policies:**

None

**Section name and #** 07 Human Resources

**Policy No.:** # 07.31.000

**Title:** Drug and Alcohol Policy

**Initiated by:** Human Resources

**Contributing Departments:** None