Proposed For Cause Drug Testing Policy for Patient Care Activities

This policy would apply to all employees and students working in a clinical health setting, providing direct patient care services.

The applicable Academic Dean/HR department may require an employee or student to submit to drug and/or alcohol testing “for cause” based upon a reasonable suspicion of the unauthorized use or abuse of drugs or other substances at any health care setting. Reasonable suspicion may be based upon but is not limited to the following:

- Direct observation of unauthorized use or possession of drugs or alcohol in a health care setting;
- A pattern of abnormal or erratic behavior consistent with unauthorized use of alcohol or drugs in a health care setting;
- Observation of physical symptoms indicative of the unauthorized use of drugs or alcohol in a health care setting;

All persons reporting activities or behavior that causes a suspicion of unauthorized use or abuse of drugs or alcohol should document the exact reason(s) for these suspicions, including relevant details such as date, location, witnesses present, and the symptoms or actions of the employee or student being reported. All such reports shall be made to the applicable Academic Dean/HR representative or his/her designee, who will conduct an immediate investigation of the reported activities or behavior, including obtaining corroborating statements from other employees or witnesses where reasonably possible. The Academic Dean/HR representative shall determine, based on his/her investigation, whether cause exists to request a drug/ alcohol test.

All test results shall be provided to the Academic Dean/HR representative. Until the results of the drug/ alcohol test are received, the employee or student may be suspended from all activities involving clinical work, laboratory work or patient contact; the employee or student may be permitted to continue participating in lectures. However, the Academic Dean/HR representative shall have sole discretion to suspend the employee or student from all activities if the continued participation of the employee or student in such activities presents a danger to that individual’s personal safety, or threatens the health and welfare of the individual, patients/clients, students, faculty and/or staff of the University.

When a determination to test for cause has been made, the employee or student will be asked to submit to a drug/ alcohol test. The employee or student will be transported to the
designated testing laboratory for collection of a breath alcohol or urine and/or blood sample to test for drugs and/or alcohol. The employee or student may request that a blood sample be collected in addition to a urine sample. Testing cost will be borne by the applicable department or School, and testing with be done in accordance with standard testing procedures. If a specific drug is suspected to have been used or abused, the Academic Dean/ HR representative may request a test be performed for that specific drug at the Department/ School’s cost.

All persons tested for cause may appeal a positive test result by submitted a written request for a second test to the Academic Dean/ HR representative with five (5) business days after being informed of the positive test result. The individual has the right to have a second test performed on the original specimen at a SAMHSA certified laboratory of his/her choice and all expenses of such retest will be borne by that individual. The specimen transfer between laboratories will follow standard protocol. The results of this second test must be submitted directly to the Academic Dean/ HR representative by the laboratory, who may then either accept the second test results, or at the Department’s/ School’s expense, have a third test performed on the original specimen at a SAMHSA certified laboratory of the Department’s/ School’s choice. The specimen transfer between laboratories will follow standard protocol. The results of the third test will be the final test performed and will be determinative of the issue.

Any employee or student who has a positive result on an alcohol or drug test will be subject to disciplinary sanctions, in accordance with the applicable policies and procedures, including but not limited to the Collected Rules and Regulations, HR Policy Manual and Student Conduct Code. Any such sanctions may be challenged through applicable grievance policies and procedures of the University.

Any person who refuses to consent to a “for cause” alcohol or drug test or fails to provide an adequate specimen may be subject to discipline, up to and including termination or dismissal.

Every effort will be made to keep the results of the alcohol and drug tests confidential. However, the University retains the right to notify applicable University officials and officials at clinical affiliation sites who have a need to know such results, and the results may be used for University processes, administrative hearings and court cases, and may be sent to state and/or federal agencies as required by applicable laws.