

ETSU PHYSICIANS AND ASSOCIATES

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Policy Manual Section: Human Resources
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Review/Revision History:

Reviewed by:	Date:	Revision Number: (i.e. A, B, C)
Operations Committee	9/25/02	A
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Operations Committee		E

APPROVED BY:

Signature: _____
Chair, Administration and Budget Committee

Signature: _____
President, Board of Directors

Policy:

ETSU Physicians and Associates is committed to providing a safe work environment and to fostering the well being and health of its employees. That commitment is jeopardized when any ETSU Physicians and Associates employee illegally uses drugs on or off the job, comes to work under their influence, possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, ETSU Physicians and Associates has established the following policy, pursuant to T.C.A. Section 50-9-100 et.seq.

The possession or use of illicit drugs, alcohol, or other controlled substances during working hours or on ETSU Physicians and Associates property at any time will subject the team member to disciplinary action up to and including termination of employment. "ETSU Physicians and Associates property" includes all buildings, grounds, parking lots, vehicles, lockers, desks or other furniture owned or leased by ETSU Physicians and Associates and any of its subsidiaries. The presence of illicit drugs, unauthorized controlled substances or alcohol in any body fluid during working hours is prohibited and will result in disciplinary action up to and including termination, regardless of when the substance was used by the team member.

Newly hired Team members who test positive for illicit drugs, unauthorized controlled substances, or alcohol during the new team member medical screening process will be terminated and will not be allowed to re-apply for employment for one full year from date of termination.

Procedures:

1. Pre-Employment Screening

- a. All applicants (Full time, Part time, Temporary status; excluding student workers) who have been offered employment with ETSU Physicians and Associates are required to submit to a drug screen as part of the application process. Applicants will be required to submit voluntarily to a urinalysis test at a laboratory chosen by this company, and by signing a consent agreement will release this company from liability.
- b. If the physician, official or lab personnel has reasonable suspicion to believe that the job-applicant has tampered with the specimen, the applicant will not be considered for employment.
- c. Any applicant testing positive for narcotics or other controlled substances will be required to provide evidence that the substance has been legally prescribed for their use by a physician before being allowed to continue active employment or before becoming employed.
- d. New Team members testing positive for illicit drugs and/or alcohol will have their employment terminated and will be ineligible to re-apply for employment for one full year.
- e. ETSU Physicians and Associates will not discriminate against applicants for employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and / or alcohol, preventing employees from performing their jobs properly, that this company will not tolerate.

2. Reasonable belief screening

ETSU Physicians and Associates has adopted testing practices to identify employees who illegally use drugs on or off the job or who abuse alcohol on the job. It shall be a condition of employment for all employees to submit to substance abuse testing under the following circumstances:

- ✓ Observable phenomena while at work such as direct observation of substance abuse or of the physical symptoms or manifestations of being impaired due to substance abuse;
- ✓ Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- ✓ A report of substance abuse provided by a reliable and credible source;
- ✓ Evidence that an individual has tampered with any substance abuse test during his or her employment with the current employer;
- ✓ Information that an employee has caused or contributed to an accident while at work; or
- ✓ Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

- a. Practice Administrators and / or Office Managers who have a reasonable belief, as defined above, regarding an employee's use of drugs or alcohol while on duty will complete the Reasonable Belief Report form and forward to the Director of Human Resources. When a Reasonable Belief Report form is signed by both the supervisor and Administrator and received by Human Resources, the employee will be instructed to complete the Reasonable Belief Consent form. Once signed, the Director of Human Resources will immediately escort the employee to the outside of the building, where the employee will be placed in a taxi. The employer will pay for the cost of the taxi. After screening, the employee will be taken to their home.
- b. The clinic shall be financially responsible for the cost of testing and taxi fare.
- c. Once the reasonable belief screen is completed, the employee will be suspended, without pay, pending the outcome of the investigation. Once the results are returned, if negative, the employee will be restored to employment with pay for lost time. If positive, the employee will be immediately terminated without pay for lost time.
- d. The facts leading up to and pertaining to the event must be documented and forwarded to the appropriate Administrator and to the Director of Human Resources.

3. Post-Accident Screens

- a. When employees have caused or contributed to an on the job injury that resulted in a loss of work time, which means any period of time during which an employee stops performing the normal duties of employment and leaves the place of employment to see care from a licensed medical provider. An employer may send employees for a

substance abuse test if they are involved in on the job accidents where personal injury or damage to company property occurs.

4. Alcohol Testing

The consumption or possession of alcoholic beverages on this Company's premises is prohibited. Company sponsored activities which may include the serving of alcoholic beverages are not included in this provision. An employee whose normal faculties are impaired due to alcoholic beverages, or whose blood alcohol level tests .10% by weight for no-safety sensitive positions, or .04% for safety sensitive positions, while on duty / company business shall be guilty of misconduct and shall be subject to termination.

5. Refusal to Submit

Failure to submit to a required substance abuse test is considered misconduct and employee or applicant shall be subject to termination.

6. Important Information for Job Applicants and Employees

When an employee or job applicant submits to a drug and / or alcohol test, they will be given a form by the specimen collector that contains a list of common medications and substances which may alter or affect the outcome of a drug or alcohol test. This form will also have a space for the doctor to provide any information that he / she considers relevant to the test, including the identification of currently ore recently used prescription or non-prescription medication or other relevant information. The information form should be kept by the job applicant or employee for their personal use. If the job applicant or employee has a positive confirmed test result, a medical review officer will attempt to contact the individual in order to privately discuss the findings with that person. The job applicant or employee should keep the form as a "reminder" to discuss this information at that time. The Medical Review Officer will take this information into account when interpreting any positive confirmed test results. The information provided shall be treated as confidential and will not be given to the employer. Employees and job applicants have the right to consult with a medical review officer for technical information regarding prescription and non-prescription medication.

It is the responsibility of every employee or job applicant to notify the testing laboratory of any administrative or civil action brought pursuant to TCA Section 50-9-100 et. Seq. , Drug Free Workplace Programs.

The provisions of this policy are subject to any applicable collective bargaining agreement or contract and include the right of appeal to the applicable court.

7. Searches / Illegal Use / Distribution

- a. ETSU Physicians and Associates retains ownership of all its lockers, desks, offices, vehicles, etc. and will conduct searches when it deems necessary.

All Team members are expected to cooperate in such searches, including special drug/alcohol searches of personal property such as personal vehicles parked on clinic property, purses and pockets, when there is reason to believe that a team member may be in possession of illicit drugs or alcohol. Failure to cooperate will be deemed insubordination and will be grounds for termination of employment.

- b. Any team member who is suspected of having diverted controlled substances intended for patients to his/her own use, or to have misappropriated such controlled substances for any reason including resale, will be suspended pending the outcome of an investigation. ETSU Physicians and Associates may involve outside law enforcement agencies in the investigation and will fully cooperate with said agencies in any subsequent legal proceedings. The team member will not be allowed to return to active employment unless cleared of suspicion.
- c. If a team member is suspected of trafficking in illicit drugs or controlled substances during working hours or on ETSU Physicians and Associates property at any time he/she will be immediately suspended and ETSU Physicians and Associates will involve outside law enforcement agencies in the investigation and fully cooperate in any subsequent legal proceedings. The team member will not be allowed to return to active employment unless cleared of suspicion.

8. Notification Process

- a. Employees and job applicants that have a positive confirmed drug or alcohol test result may explain or contest the result to the medical review officer within five (5) working days after receiving written notification of the test result from the medical review officer. If an employee or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the company; a person may contest the drug test result pursuant to the rules adopted by the Tennessee Department of Labor.
- b. The confidentiality of any information received by the employer through a substance abuse testing program shall be maintained, except as otherwise provided by law.

9. Voluntary Admission of Substance Abuse Problem

- a. If an employee voluntarily informs management prior to being tested that s/he has a drug or alcohol abuse problem and desires rehabilitation assistance, the employee will be granted a leave of absence consistent with the Family and Medical Leave Act of 1993 (Refer to HR 075 D). The sole purpose of such leave is to obtain the necessary rehabilitation assistance. These services will be at the employee's expense, unless coverage for the same is provided by any otherwise applicable health insurance plan.
- b. The employee may be required to periodically provide proof that s/he is participating in an appropriate rehabilitation or after-care program. As a condition for return from such a leave of absence, the following requirements must be satisfied. The employee must:
 - i. present written certification that s/he successfully completed an appropriate rehabilitation program, and
 - ii. commit to adhere to any after-care program recommended by a professional affiliated with the rehabilitation program and to submit to random testing for a period of up to 12 months, and
 - iii. be permitted to return to a like job and with the same salary.
- c. An employee who returns to work after completing a rehabilitation program and who subsequently violates this substance abuse policy will be immediately discharged.

10. Employee Assistance

The company offers resource information on various means of employee assistance in our community, including but not limited to drug and alcohol abuse programs. Employees are encouraged to use this resource file; which is located on the intranet or from the Human Resources office. In addition, we will distribute this information to employees for their confidential use.

11. Maintenance of Records

- a. All drug and alcohol test results and related material will be held as confidential and maintained in the employee's medical file, which is separate from his or her personnel file.

12. Definitions

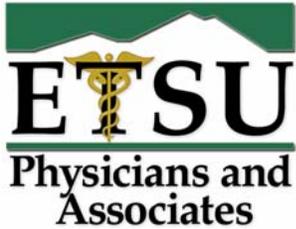
- a. **Controlled Substance** any substance listed in the Controlled Substance Act of 1970 as amended.

- b. **Illicit Drugs** any mind altering substance, including, but not limited to, controlled substances used without regard to standard medical practices and/or contrary to the directions provided by a physician.
- c. **Reasonable Cause includes:**
 - i. causing or being involved in an accident or incident, which resulted in, or could have resulted in, personal injury or damage to property, or
 - ii. behavior that gives rise to belief that the team member is currently under the influence of drugs or alcohol, based upon specific personal observations of the supervisor concerning speech, body odors, or behavior of the team member, or
 - iii. Deterioration in work performance, including excessive tardiness, absenteeism, sleepiness, or reduction in productivity.

Substance abuse testing for job applicants and employees will include an observed urinalysis screen for the following drugs:

Alcohol	<i>(not required for job applicant testing)</i> Any “alcoholic beverage”, all liquid medications containing ethyl alcohol (ethanol). Please read the label for content. For example, Vicks Nyquil™ is 25% (50 proof) ethyl alcohol, Comtrex™ is 20% (40 proof), Contac Severe Cold Formula Night Strength™ is 25% (50 proof) and Listerine™ is 26.9% (54 proof).
Amphetamines	frequently abused as a stimulant of the central nervous system but used clinically especially as the sulfate or hydrochloride salt to treat hyperactive children and the symptoms of narcolepsy and as a short-term appetite suppressant in dieting “speed,” “uppers,” etc.
Cannabinoids	a physiologically inactive crystalline - THC, marijuana, hashish, “pot,” “grass,” “hash,” etc
Cocaine	a bitter crystalline alkaloid C ₁₇ H ₂₁ NO ₄ obtained from coca leaves that is used medically as a topical anesthetic and illicitly for its euphoric effects and that may result in a compulsive psychological need - “coke,” “crack,” etc
Opiates	Narcotics, Heroin, Codeine, Morphine, “smack, dope, etc....
Phencyclidine	used especially as a veterinary anesthetic and sometimes illicitly as a psychedelic drug - PCP, “angel dust,”

Barbiturates	sedatives, hypnotics, and antispasmodics
Benzodiazepines	any of a group of aromatic lipophilic amines (as diazepam and chlordiazepoxide) used especially as tranquilizers
Propoxyphene	an analgesic $C_{22}H_{29}NO_2$ structurally related to methadone but less addicting that is administered in the form of its hydrochloride
Methadone	a synthetic addictive narcotic drug $C_{21}H_{27}NO$ used especially in the form of its hydrochloride for the relief of pain and as a substitute narcotic in the treatment of heroin addiction
Methaqualone	a sedative and hypnotic nonbarbiturate drug $C_{16}H_{14}N_2O$ that is habit-forming
Oxycodone	central nervous system depressant
Synthetic Oxycodone	
Synthetic Hydrocodone	



Pre-Employment Drug Testing Consent

I hereby consent to submit to urinalysis and/or other tests as shall be determined by ETSU Physicians and Associates in the selection process of applicants for employment, for the purpose of determining the drug content thereof.

I agree that _____ Doctor's Care

(name of physician or clinic)

may collect these specimens for these tests and may test them or forward them to a testing laboratory designated by the company for analysis.

I further agree to and hereby authorize the release of the results of said tests to the company.

I further agree to sign an individual authorization for use or disclosure of protected health information or other HIPAA-compliant authorization granting ETSU Physicians and Associates the right to obtain and review the results of any drug test conducted by Doctor's Care during the selection process of applicants for employment. Refusing to sign such authorization will be treated the same as refusing to submit to a drug and/or alcohol test.

I further agree to hold harmless the Company and its agents (including the above named physician or clinic) from any liability arising in whole or part out of the collection of specimens, testing, and use of the information from said testing in connection with the Company's consideration of my employment application.

I further understand and agree that any failure to submit to a test required by my employer is misconduct and shall be subject to discipline up to and including termination or reason to not hire.

I further agree that a reproduced copy of this consent and release form shall have the same force and effect as the original.

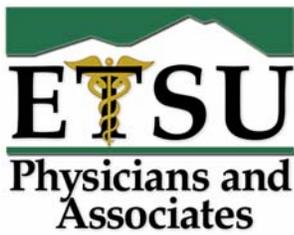
I have carefully read the foregoing and fully understand its contents. I acknowledge that my signing of this consent and release form is a voluntary act on my part and that I have not been coerced into signing this document by anyone.

Applicant:
Print Name _____ S.S.#: _____ - _____ - _____

Applicant:
Signature _____ Date: ____/____/____

Witness Printed Name: _____

Witness Signature: _____



Documentation of Supervisor Reasonable Belief

(This form must be completed before test is given AND approved by Human Resources.)

1. I reasonably suspect that _____ is under the influence of:
(employee)

- A: Alcohol
- B: Drugs
- C: Either alcohol or drugs or both

2. I reasonably suspect that said employee is in violation of ETSU Physicians and Associates Policy and is therefore unfit to perform the duties of his or her job or to perform safely in the workplace because:

3. Observation Checklist – (circle pertinent items):

A. **Walking**

Stumbling
Staggering
Falling
Unable to
Swaying
Unsteady

B. **Standing**

Swaying
Rigid
Unable to
Feet wide apart
Staggering
Sagging at knees

C. **Speech**

Shouting
Silent
Whispering
Slow
Rambling
Mute
Slurred
Slobbering
Incoherent

D. **Demeanor**

Cooperative
Polite
Calm
Sleepy
Crying
Silent
Talkative
Excited
Sarcastic
Fighting

E. **Actions**

Resisting
Communication
Fighting
Threatening
Calm
Drowsy
Profanity
Hyperactive
Hostile
Erratic

F. **Eyes**

Bloodshot
Watery
Dilated
Glassy
Droopy
Closed

G. **Face**
Flushed
Pale
Sweaty

H. **Appearance/Clothing**
Unruly
Messy
Dirty
Partially dressed
Bodily excrement stains
Stains on clothing
Neat
Odor

I. **Breath**
Alcoholic odor
Faint alcoholic odor
No alcoholic odor

J. **Movements**
Fumbling
Jerky
Slow
Normal
Nervous
Hyperactive

K. **Eating/Chewing**
Gum
Candy
Other – Identify

L. **Other Observations**

4. Additional Remarks:

5. I therefore believe that said employee should undergo a reasonable suspicion drug/alcohol test pursuant to ETSU Physicians and Associates Policy.

Supervisor Signature

Date

Witness (If Any)

Date

Director of Human Resources (*Required prior to testing*)

Date