



<b>Subject</b> ALCOHOL AND DRUG TESTING POLICY FOR EMPLOYEES		<b>Attachments</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Key words</b> Alcohol, illegal drugs, prescription medication, testing, impairment, reasonable suspicion, treatment program, intoxication, under the influence		<b>Number</b> <b>RH-HR-HR-60-10-24</b>
<b>Category</b> Human Resources (HR)		<b>Effective Date</b> <b>March 15, 2010</b>
<b>Manual</b> Human Resources		<b>Last Review Date</b> <b>April 2016</b>
<b>Issued By</b> Human Resources		<b>Next Review Date</b> <b>August 2017</b>
<b>Application</b> This policy is applicable to all employees of Regions Hospital. This policy does not apply to medical staff or any other independent contractors performing services at the Hospital. In addition, employees subject to mandatory drug testing by federal law or regulation will be subject to testing under whichever policy applies to the circumstances giving rise to the need for testing.		<b>Origination Date</b> <b>04/01/99</b>
		<b>Retired Date</b> <b>NA</b>
<b>Review Responsibility</b> Regions Human Resources and Employee Health and Wellness		<b>Contact</b> Human Resources or Employee Health & Wellness

## I. PURPOSE

Regions Hospital (the “Hospital”) is committed to maintaining a work environment that is free from the influence of alcohol and/or illegal drugs to protect the health, safety, and well-being of our patients, employees, volunteers, and visitors. Accordingly, the Hospital has established this Alcohol and Drug Testing Policy for Employees. This policy is not intended as and should not be construed as a contract between the Hospital and any employee, except as required by applicable labor contracts.

## II. POLICY

It is the policy of the Hospital to prohibit the consumption of alcohol during working hours or on Hospital property (including Hospital-owned vehicles) except in accordance with the circumstances set forth in the Hospital’s Alcohol Use policy (RH-HR-HR 60:10:29).

As described in the Hospital’s Prohibited Substances policy (RH-HR-HR 60:10:10), it is also the policy of the Hospital that, during working hours and when employees are on Hospital property or conducting Hospital business, they are prohibited from:

- Selling, soliciting, manufacturing, distributing, purchasing, using, possessing, or having illegal drugs in their system.
- Reporting to work or working while under the influence of illegal drugs.

Regions Hospital management retains the right to interpret and/or change current policies as necessary. These policies and procedures are not an employment contract and should not be interpreted as creating an employment contract or contractual rights.

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- Selling, soliciting, distributing, purchasing, using, or possessing paraphernalia that is used, intended for use, or designed for use with illegal drugs.

## GROUND FOR TESTING

The Hospital reserves the right, in certain circumstances, to require employees to submit to the following drug and/or alcohol testing as a condition of continued employment. All tests are conducted by a laboratory licensed by the State of Minnesota and certified by the National Institute on Drug Abuse. No test will be conducted by a testing laboratory owned or operated by Regions Hospital. Test results will be reported to Employee Health and Wellness after review by a licensed Medical Review Officer (MRO). Testing may be requested or required under the circumstances described below.

- A. When the Hospital Has a Reasonable Suspicion that an employee:
1. is under the influence of alcohol and/or illegal drugs;
  2. has sustained a personal injury, defined as an injury arising out of and in the course of employment, or has caused another employee to sustain a personal injury;
  3. has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident that caused a personal injury (as defined above) to the employee, another employee or a third party or resulted in property damage in excess of \$500 in the immediate estimation of management; or
  4. has violated this policy or the Hospital's Prohibited Substances or Alcohol Use policies.
- B. When the employee has been referred by the Hospital for chemical dependency treatment or evaluation, the employee may be requested or required to undergo alcohol and/or drug testing without prior notice during the evaluation or treatment program and for a period of up to two (2) years following the completion of any prescribed chemical dependency program.

## **III. PROCEDURES**

### INITIATING DRUG AND/OR ALCOHOL TESTING

If an employee suspects another employee of violating this policy or the Prohibited Substances or Alcohol Use policies, the employee should notify EHW during normal business hours at 4-3301. Security should be notified at all other times at 651-254-3979. EHW and/or Security will notify trained resource personnel to assess the situation.

An employee who is asked to submit to testing under this policy has the right to refuse to undergo alcohol and/or drug testing; however, refusal will most likely lead to termination of employment.

Prior to testing, employees will be provided with a copy of this policy and will be asked to sign an "Acknowledgment and Consent Form." The Hospital's MRO will be notified of the need for testing and will send a representative to the Hospital to collect the appropriate testing sample. Before the test results are released to the Hospital, the MRO may need to contact the employee to inquire about the test results. An employee must promptly respond to the MRO's inquiry. The employee may provide information to the MRO about any over-the-counter or prescription medication he or she is taking or has recently taken and any other

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information relevant to the reliability of, or explanation for a positive test result. Failure to respond to the MRO in a timely manner may mean that the test results will be released to the Hospital without the employee's input or explanation.

#### OBTAINING TEST RESULTS AND OPTIONAL CONFIRMATORY RETEST

If the initial or confirmatory test result is negative, the employee will be notified in writing of the test result within three (3) business days of the Hospital's receipt of the report.

If the initial test is positive, the MRO will perform a confirmatory test to confirm the test results. No adverse action will be taken against an employee until the result of the confirmatory test has been received by the Hospital. If the confirmatory test is positive, the employee will be notified in writing of the test result within three (3) business days of the Hospital's receipt of the report. The employee will be given an opportunity to submit additional explanatory information to the MRO within three (3) business days and/or request a retest of the original sample by the original laboratory or another qualified laboratory at the employee's own expense.

The employee must provide written notice to the Hospital of the employee's intent to obtain a retest and must specify which laboratory will conduct the retest within five (5) business days after receiving notice of the test result. In addition, the employee must authorize release of the confirmatory retest results to EHW. Within three (3) business days of such a request, the Hospital will notify the original testing laboratory of the employee's request to have the laboratory conduct the retest or to transfer the original sample to another qualified laboratory to conduct the retest. Absent extenuating circumstances, the confirmatory retest must be completed and the results received by EHW within 10 business days of when the original laboratory is notified. The employee is responsible for taking all necessary steps in order to ensure timely completion of the retest process.

#### PLACEMENT ON LEAVE PENDING TEST RESULTS

If the Hospital has reason to believe than an employee is in violation of this policy and/or the continued presence of the employee in the workplace will reasonably put at risk the health and safety of the employee, other employees, visitors, or the public, the employee will be placed on a paid leave of absence effective immediately pending the outcome of the drug and/or alcohol initial and confirmatory tests.

If the result of the confirmatory test is positive, the employee will be placed on an unpaid leave until the completion of any optional confirmatory retest, evaluation, and/or any recommended chemical dependency treatment program. An employee placed on an unpaid leave will be reinstated with back pay if the result of the optional confirmatory retest is negative. Additionally, in that case, the Hospital will reimburse the employee for the actual cost of the confirmatory retest.

#### CONFIDENTIALITY AND ACCESS TO INFORMATION

An employee has the right to request and receive a copy of the test result on any drug or alcohol test they take. Test results reports and other information acquired in the drug and alcohol testing process are private and confidential. The Hospital will make every effort to provide privacy and confidentiality in its administration of this policy. Information acquired in the alcohol and/or illegal drug testing process shall be treated in a manner consistent with the Hospital's treatment of other private and confidential information concerning employees.

Notwithstanding the above, evidence of a positive test result on a confirmatory test may be:

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- A. Used in an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing, or a judicial proceeding, provided the information is relevant to the proceeding;
  - B. Disclosed to any federal agency or state licensing or certification board (including the State of Minnesota Health Professional Services Program) under federal or state law, or in accordance with the compliance requirements or a federal or state government contract; or
  - C. Disclosed to a treatment facility for the purpose of evaluation or treatment of the employee.

#### NON-REGIONS EMPLOYEES

. If the Hospital suspects that a non-Regions employee (including a medical resident, medical staff member, vendor, or other independent contractor) is under the influence of alcohol or illegal drugs while performing services at the Hospital, the Hospital will notify the individual's employer or other appropriate authority and follow any applicable policies or protocols.

#### IV. DEFINITIONS

For purposes of this policy, the following terms shall have the following meanings:

"Business days" means Monday through Friday, excluding holidays and weekends.

"Illegal drug" means controlled substances whose manufacture, possession or use is regulated by state or federal law, substances that are intended to mimic the effects of a controlled substance (e.g. synthetic marijuana), and prescription or over-the-counter medications which contain a controlled substance and which are used for a purpose, in a manner, or by a person for whom they are not prescribed or intended.

"Hospital property" includes all buildings, offices, facilities, grounds, parking lots, lockers, desks, places and vehicles owned, leased or managed by the Hospital or on any site on which the Hospital is conducting business.

"Medical Review Officer" (MRO) is a physician licensed by the State of Minnesota and selected by the Hospital to review alcohol and/or drug testing results.

"Refusal to Submit to Testing" includes a verbal refusal to participate in testing, refusing or failing to remain at the testing site until the testing process is complete, failing to provide a blood or suitable urine specimen without adequate medical explanation, failing to permit a necessary observation of the specimen collection, or failing to cooperate with any part of the drug and/or alcohol testing process.

"Qualified Laboratory" refers to a testing laboratory that meets one of the following criteria for drug testing:

- is certified by the National Institute on Drug Abuse as meeting the mandatory guidelines published at 53 Federal Register 11970 to 11989, April 11, 1988;
- is accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, under the forensic urine drug testing laboratory program; or
- is licensed to test for drugs by the state of New York, Department of Health, under Public Health Law,

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article 5, title V, and rules adopted under that law.

For alcohol testing, a qualified laboratory must either be: licensed to test for drugs and alcohol by the state of New York, Department of Health, under Public Health Law, article 5, title V, and the rules adopted under that law; or accredited by the College of American Pathologists, 325 Waukegan Road, Northfield, Illinois, 60093-2750, in the laboratory accreditation program.

## **V. COMPLIANCE**

### **EMPLOYEE DISCHARGE OR DISCIPLINE**

In conformity with the terms of any applicable collective bargaining agreements or other non-contract Hospital policies, employees will be discharged or subject to other disciplinary action in the following testing-related situations:

- A.** The employee refuses to submit to testing when so ordered; or
- B.** The employee attempts to adulterate the specimen or interfere in any way with the collection process; or
- C.** The employee tests positive for the first time on a confirmatory test that has not been refuted by explanation or retesting unless the employee has been offered an opportunity to participate in either a drug or alcohol counseling or a rehabilitation program, whichever is appropriate; and
  - Has either refused to participate in the counseling or rehabilitation program; or
  - Has failed to successfully complete the program based on a withdrawal from the program prior to completion.
- D.** The employee tests positive a second time on a confirmatory test that has not been refuted by explanation or retesting; or
- E.** The employee has been referred by the Hospital for chemical dependency treatment or evaluation and tests positive on a confirmatory test either during the chemical dependency treatment or evaluation period or within a two (2) year period following the completion of any prescribed chemical dependency treatment program.

Employees who are not requested or required to undergo testing, or who do undergo testing, but do not test positive, may nevertheless be subject to discipline in appropriate cases for performance or for violating the Hospital's rules or policies, including this policy. In addition, please be aware that the Hospital reserves the right to take any appropriate adverse action based on a confirmed positive marijuana test result to the fullest extent permitted by law.

Employees who feel they have been treated unfairly or in a manner inconsistent with established Hospital policies may challenge a decision or action under this policy through the hospital's Grievance Procedure (RH-HR-HR-60-04-02)

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## **VI. ATTACHMENTS**

None

## **VII. OTHER RESOURCES**

Alcohol Use #RH-HR-HR 60:10:29

Prohibited Substances Policy #RH-HR-HR 60:10:10

Employee Assistance Program #RH-HR-HR 60:10:19

Grievance Procedure RH-HR-HR-60-04-02

## **VIII. APPROVAL(S)**



Kim Egan  
Executive Director, Human Resources

## **IX. ENDORSEMENT**

Employee Health & Wellness

Human Resources Leadership Team