Chancellor’s Memorandum
CM-38 – Substance Abuse Policy

To: Vice Chancellors, Deans, Administrative Staff, Department Heads.

From: LSU Health Sciences Center New Orleans Chancellor

Effective Date: November 1, 1999

Revised: June 17, 2009

I. Policy Statement

The unauthorized use of, possession of, or being under the influence of alcohol and the illegal use, abuse, possession, manufacture, dispensation, distribution of, or being under the influence of controlled or illegal drugs is prohibited while at work, on call, on duty, at school, or engaged in Louisiana State University Health Sciences Center New Orleans campus (LSUHSC-NO) business on or off LSUHSC-NO premises.

LSUHSC-NO shall provide for post job offer drug testing and an on-going alcohol and drug testing program for reasonable suspicion/for cause, post accident, periodic monitoring or aftercare, and random testing. LSUHSC-NO shall also provide a Campus Assistance Program (CAP) for referral and assessment of alcohol and/or drug problems.

II. Scope

This policy applies to all faculty, staff, residents, and students of LSUHSC-NO. Post-job offer candidates and non-employees are covered by this policy to the extent herein specified. Faculty, staff, residents, students, post-job offer candidates, and non-employees (henceforth referred to as individuals) whether paid, unpaid, or gratis must understand that initial and continued employment/enrollment is contingent upon a willingness to comply with this policy.

III. Purpose

Alcohol abuse and the illegal use or abuse of other drugs is associated with numerous health, safety, and social problems. The performance of faculty, staff, residents, students and other LSUHSC-NO affiliated individuals may be adversely affected by engaging in substance abuse.

This policy, including the prohibitions and provisions therein, will be used to promote and safeguard the workplace/school environment from the consequences of alcohol and drug use. The purpose of this policy is to:

- Provide a safe, productive, and healthy environment that is consistent with providing the highest quality services to patients and the most effective learning environment for students.
- Provide a safe and healthy environment for our patients, employees, students, visitors, vendors, suppliers, contractors, and members of our community.
IV. Definitions

Administrative Body - the administrative authority for all individuals, except students, shall rest with LSUHSC-NO Human Resources and/or the Dean of the respective school the individual works under. Administrative authority for students shall rest with the Dean of Student/Academic Affairs of the student’s respective school.

Controlled or Illegal Drug - includes narcotics, hallucinogens, depressants, stimulants, look-alike drugs, or other substances which can affect or hamper the senses, emotions, reflexes, judgment, or other physical or mental activities. Included are controlled medications or substances not prescribed for current personal treatment by a licensed health practitioner in a medical setting to address a specific physical, emotional, or mental condition.

Employees - includes all individuals who receive W-2 forms from LSUHSC-NO.

Job/School Related Accident - any individual behavior (action or inaction) which resulted in, but is not limited to, an accident, injury, or illness requiring an incident report. The accident may result in:

- Lost work/school time by an individual
- Death or serious injury or illness to a patient, employee, student, visitor, or co-worker
- An accident involving a vehicle, equipment, or property
- An injury requiring medical treatment
- Release of hazardous waste

Legally Prescribed Medication - includes drugs prescribed by a licensed practitioner and over-the-counter drugs, which have been legally obtained and are being used in the appropriate amount solely by the individual and for the purpose for which the medication was prescribed or manufactured.

LSUHSC-NO Property - includes all buildings, dorms, grounds, parking lots, vehicles, equipment, and supplies whether they are owned, leased, or managed by LSUHSC-NO.

Medical Review Officer (MRO) - a licensed physician responsible for:

- Receiving laboratory results generated by LSUHSC-NO's drug testing program
- Interpreting and evaluating an individual's positive test result together with their medical history and any other relevant biomedical information

Non-employees - those individuals who do not receive a W-2 form from LSUHSC-NO, including but not limited to, all independent contract and subcontract workers, volunteers, laborers, or independent agents who conduct business on behalf of or provide services for LSUHSC-NO.

Positive Alcohol Test – an alcohol concentration of 0.020 g/100ml or greater. An alcohol concentration between 0.020 and 0.039 g/100ml will result in the individual being temporarily removed from work/school until their breath alcohol concentration is less than 0.020 g/100ml. An alcohol concentration of 0.040 g/100ml or greater will result in disciplinary sanctions imposed by the appropriate Administrative Body or their designee. A person with an alcohol concentration of 0.040 g/100ml or greater is considered to be “under the influence” of alcohol. Alcohol will be tested for in breath, urine, or on blood as necessary.

Positive Drug Test - defined as testing positive for a specific drug at a specific ng/ml level. A drug test will be performed on urine, blood, or hair as necessary.

Reasonable Suspicion/For Cause - any individual may be tested who is suspected of being under the influence of alcohol and/or drugs where the suspicion is based on, but not limited to, any of the following:

- Observable behavior or physical symptoms
• A pattern of abnormal or erratic behavior
• Arrest or conviction of a drug-related offense
• Being identified as the subject of a criminal investigation regarding drugs
• Reliable information from independent sources
• Evidence of drug tampering or misappropriation
• Post accident when accompanied by individualized suspicion that the individual may be under the influence of alcohol or drugs
• Reasonable suspicion that a substance abuse problem exists includes, but is not limited to:
  • The appearance of impairment or intoxication on the job or at school
  • Unusual or aberrant behavior
  • The existence of collaborative documentation
  • Patterns of absenteeism or tardiness

Safety and Security Sensitive - means positions for which there is a high likelihood of causing serious injury or harm to self, other employees, students, those served by the LSUHSC-NO, and the general public. Positions for which the consequences of failure to perform duties in a safe and proper manner are likely to result in serious injury or harm and those positions which involve the custody of data which are of such a nature that it effects or may effect the security of the position, department, or unit to which the position is assigned are also included. The Office of Human Resources Management maintains a complete list of the positions designated as safety and security sensitive.

SAMHSA Laboratory - a laboratory certified for forensic urine (and/or blood and hair) drug testing by the Substance Abuse and Mental Health Services Administration (SAMHSA).

Under the Influence - testing positive for alcohol at a 0.040 g/100ml or greater alcohol concentration and/or testing positive for drugs.

Unsafe/Impaired Symptoms may include, but are not limited to:

• Drowsiness or sleepiness
• Alcohol or drug odors on the breath
• Slurred or incoherent speech
• Confusion
• Unusually aggressive behavior
• Unexplained mood changes
• Lack of manual dexterity
• Lack of coordination
• Unexplained work/school related accidents or injuries
• Excessive sloppiness
• Illegible or errant charting
• Leaving work areas for extended periods or unexplained reasons

While at Work/School - includes all times when an individual is on LSUHSC-NO property, on-call, supposed to be working, operating LSUHSC-NO’s vehicles, or on official LSUHSC-NO business either on-site or off-site. This does not include events sponsored by LSUHSC-NO at which alcohol may be served.

V. General Guidelines

Pursuant to this objective, the LSUHSC-NO Substance Abuse Policy includes:

A. Self-Referral for Treatment

LSUHSC-NO encourages individuals to seek treatment. An individual may obtain assistance on their own or may obtain assistance through CAP. Self-referral is when the individual seeks help on their own
without urging by Administration and prior to being confronted about performance or behavior issues. An individual who notifies LSUHSC-NO that they have admitted themselves to a licensed treatment facility for the purpose of rehabilitation from the effects of or a dependency on alcohol or drugs may be permitted to use leave in accordance with LSUHSC-NO policies and to take sick/vacation time. Any specific medical benefits under the individual's insurance policy may also apply.

B. Administrative Referral

Supervisors will refer an individual who exhibits behavior that indicates they are under the influence of alcohol and/or drugs in accordance with the steps outlined in Section VII. B: Alcohol and Drug Testing. Should an individual indicate that they might have a problem while a supervisor is counseling/confronting the individual for work/school related deficiencies, injury, or risk behavior, the individual will be administratively referred for testing with all of the conditional requirements of such a referral.

C. Laboratory Testing

All drug testing performed under this policy shall be performed by a SAMHSA certified laboratory and pursuant to SAMHSA guidelines and to LSA R.S. 49:1001, et seq.

Positive alcohol tests will be confirmed at the time of initial alcohol testing with a second confirmation test of the individual. An individual may challenge drug test results at his/her own expense within 72 hours of notification of a positive drug test result as outlined in Section VII. C: Challenging a Positive Alcohol or Drug Test.

D. Post-Job Offer Candidates

Following a full-time employment offer (post-job offer) and prior to becoming an active employee, the successful candidate will be required to undergo post-job offer testing for the presence of drugs. The candidate must test free of drugs as a condition of hiring.

Part-time employees will be required to undergo post-job offer testing for the presence of drugs at the option of LSUHSC-NO.

Any employee who has multiple periods of appointment within a one-year time period will be required to undergo drug testing before the first period of appointment. At the option of LSUHSC-NO, the employee may be required to undergo drug testing at the beginning of each new appointment.

Drug testing will also be required of an employee prior to promotion or transfer to a safety sensitive position or to a higher safety sensitive or security sensitive position.

E. LSUHSC-NO Faculty, Staff, Residents, and Students

In accordance with federal and state regulations, faculty, staff, residents, and students are subject to alcohol and drug testing within the parameters set forth by this policy. Exhibit I lists the substances that may be tested for during alcohol and drug testing.

Faculty, staff, residents, and students will be subject to undergo alcohol and drug testing for:

- Reasonable suspicion/for cause
- Periodic monitoring or aftercare

Faculty, staff, residents, and students may be, under appropriate circumstances as determined by Human Resources or the Dean of the respective school, subject to undergo alcohol and drug testing for:
• Post accident (job/school related)
• Random

F. Non-employees

LSUHSC-NO reserves the following rights:

• To require organizations that provide personnel to LSUHSC-NO to ensure that the individuals referred do not abuse and are not under the influence of alcohol, illegal substances, or controlled substances.
• To require alcohol and drug testing for any non-employees of LSUHSC-NO for reasonable suspicion/for cause that alcohol or drugs are being used during the course and scope of their employment/enrollment or for post accident (job/school related).
• To remove any non-employee from work/school when there is reasonable suspicion of them being under the influence of alcohol or drugs or they are post accident.

VI. Disciplinary Sanction

Among the disciplinary sanctions that may be imposed on individuals who violate this policy are the following

• Oral warning
• Written reprimand
• Suspension
• Termination
• Referral for prosecution

Individuals may be referred to CAP for further evaluation and counseling. Individuals on probation who violate this policy will be terminated/suspended. Cause for disciplinary sanctions include:

• Refusal to submit to an alcohol or drug test
• Tampering with the testing process
• Testing positive on an alcohol or drug test
• Noncompliance with this policy

Refusal to submit to an alcohol or drug test or tampering with the testing process will result in automatic termination/suspension of the individual.

A prospective employee undergoing post-job offer drug testing and who declines to consent to testing or who receives a confirmed positive drug test result shall have the conditional offer of employment withdrawn and shall be subject to disqualification from employment consideration for a period of one year from the date of the drug test.

Following an alcohol or drug test due to reasonable suspicion/for cause or post accident, an individual will be immediately suspended with pay (if applicable) pending the test results. If the results are negative, the individual will be returned to work/school. If the results are positive, corrective action up to and including termination/suspension will be initiated. A subsequent positive alcohol/drug test result or refusal to test will be grounds for termination/suspension of individuals who are undergoing periodic monitoring or aftercare testing.

An alcohol concentration between (g/ml) 0.020 and 0.039 will result in the individual being temporarily removed from work/school until their breath alcohol concentration is less than 0.020. No disciplinary sanctions will be imposed except temporary removal from work/school. An alcohol concentration of 0.040 or greater will result in disciplinary sanctions imposed by the appropriate Administrative Body or their designee.
The administrator(s) of organizations that provide personnel (non-employees) to LSUHSC-NO will be notified of any non-employee who is tested for alcohol and/or drugs and the results of those tests. Non-employees who test positive for alcohol or drugs will not be allowed to return to work until approval is received from the appropriate Administrative Body or their designee.

All evidence will be submitted to city, state, or professional licensing boards and other agencies, if appropriate and/or as required. An individual is required to notify the CAP Director or designee within five (5) days of any conviction of a criminal drug statute violation occurring in the workplace in accordance with the Drug Free Workplace Act. In the case of an individual paid by any grant funds, the CAP Director or designee will notify the appropriate federal agency in order to comply with federal regulations or statutes.

The terms of this policy will be administered in compliance with and due process will be afforded consistent with applicable local/state/federal laws relevant to LSUHSC-NO policies and State Civil Service rules.

VII. Procedures

- Post-Job Offer Drug Testing

For prospective employees referred for a post-job offer drug test, the job offer will be contingent upon having a negative drug test. Before any test results are reported to the appropriate Administrative Body or their designee, a Medical Review Officer (MRO) will verify the drug test results. The employee will not be permitted to begin employment until the MRO has verified the drug test results. The MRO will notify a prospective employee of a confirmed positive drug test and shall offer the individual the opportunity to challenge the drug test at his or her own expense.

A. Alcohol and Drug Testing

Reasonable Suspicion/For Cause Testing and Post Accident

LSUHSC-NO requires any individual who observes an LSUHSC-NO affiliated individual whose behavior appears impaired or unsafe due to the possible use/abuse of alcohol or drugs to report the observations to their supervisor immediately. An individual whose behavior appears impaired or unsafe while at work/school is required to immediately submit to alcohol and drug testing.

LSUHSC-NO may require an individual who is involved in an accident (job/school related) while at work/school to immediately submit to alcohol and drug testing. An individual may be tested when one or more of the following conditions occur and there is individualized suspicion that the individual may be under the influence of alcohol or drugs:

- Death or serious bodily injury
- Loss of or damage to LSUHSC-NO property or equipment
- An injury requiring medical treatment (testing may occur while receiving medical treatment)
- Release of hazardous waste

Supervisors who observe or receive any information about an individual’s impairment or unsafe conditions from alcohol or drugs or who have an individual involved in an accident for which testing is appropriate must:

Document the incident on an Administrative Referral form (Exhibit II)

- Interview the individual
- Make a formal administrative referral to CAP
- Notify the Drug Testing Office
- Notify the appropriate Administrative Body or their designee
The supervisor will then escort the individual to the Drug Testing Office. An individual who is referred for alcohol or drug testing will be sent home and suspended with pay (if applicable) pending the test results. An individual who appears to be impaired will be offered assistance and discouraged from driving. If an individual refuses assistance, the LSUHSC-NO Police will be notified to escort the individual off LSUHSC-NO premises. Refusal to submit to a requested alcohol/drug test will result in notification of the appropriate Administrative Body or their designee.

Should an individual refuse to be tested, the supervisor in charge will suspend the individual without pay (if applicable) and ensure the individual leaves the area. The supervisor should contact LSUHSC-NO Police if necessary. The supervisor should have a witness, if possible, to observe the individual's behavior or physical condition. The individual should be told that their refusal to submit to the alcohol/drug test is a terminable offense.

Periodic Monitoring or Aftercare Testing

LSUHSC-NO requires individuals who have tested positive for alcohol or drugs or been diagnosed with an alcohol or drug abuse/dependency problem and who sign a Continuation of Employment/Enrollment Contract to submit to regular or irregular, unannounced or announced alcohol and drug test(s).

Random Testing

Any individual whose principal responsibility is to operate public vehicles, maintain public vehicles, or supervise any public employee who drives or maintains public vehicles will be subject to a program of random alcohol and drug testing. Also, individuals who hold safety or security sensitive jobs may be subject to random alcohol and drug testing.

Individuals will have an equal chance of being chosen, regardless of whether they have been previously tested. Once an individual is notified they have been chosen for random testing, they must report to the Drug Testing Office within two (2) hours of notification. Failure to report within two (2) hours of notification is cause for termination.

Confirmation of Alcohol and Drug Tests

Positive alcohol tests will be confirmed with a second alcohol confirmation test at the time of initial testing by the Breath Alcohol Technician (BAT). A positive alcohol test will result in immediate notification (at time of testing) of the appropriate Administrative Body or their designee. Before any drug test results are reported to the Administrative Body or their designee, the MRO will verify the drug test results. The MRO will notify the individual of a confirmed positive drug test and shall offer the individual the opportunity to challenge the drug test at their own expense. All positive alcohol and drug tests will be forwarded to the appropriate Administrative Body or their designee.

B. Challenging a Positive Alcohol or Drug Test

Alcohol testing includes the taking of breath or blood samples to test for alcohol concentration (g/ml). If the alcohol concentration (BAC) is 0.020 or greater, a second confirmation test will be performed at that time. A confirmed alcohol concentration of 0.020 or greater will be considered a positive test. Confirmed alcohol concentrations between 0.020 and 0.039 will result in the individual being temporarily suspended from work/school without pay to ensure safety until their alcohol concentration is less than 0.020. A confirmed alcohol concentration of 0.040 or greater will result in disciplinary sanctions being imposed by the appropriate Administrative Body or their designee.

If any individual wishes to challenge the drug test results, they must do so within 72 hours of notification of a positive test result. An individual with a confirmed positive drug test may contest the results in the following manner:
• An individual must provide a written medical explanation for any legitimate use of any drug and submit it for review by the MRO. An individual who is taking legally prescribed medication for a documented illness, injury, or ailment will be considered for continued employment/enrollment only upon receiving clearance from the MRO and complying with the LSUHSC-NO Fitness for Employment/Enrollment Policy.
• If the individual believes a drug test is in error or wishes to challenge the drug test results, it is the responsibility of the individual to notify the MRO and the appropriate Administrative Body or their designee. The individual must have the same sample retested at their own expense at a laboratory that is SAMHSA certified. The second test must be of equal or greater sensitivity for the drug in question as was the initial test. A copy of the second drug test result must be submitted from the laboratory to the MRO within a maximum of ten (10) working days following notification of the initial positive drug test result.

VIII. Confidentiality

Except as otherwise provided by this policy or in an executed release form, any information related to participation in CAP or any of its services shall be kept confidential. Information, however, may be released to the individual’s immediate supervisor, Human Resources, the appropriate Administrative Body or their designee, the administrator(s) responsible for supervising the individual, the administrator(s) of organizations that provide personnel to LSUHSC-NO, the individual’s professional impaired committee (if applicable), and appropriate agencies (when required).

All alcohol and drug testing, treatment, and referral under this policy will be done in strict confidence. Information regarding results, such as the alcohol concentration or the identification of a drug, will be provided only to the Medical Review Officer (MRO), the individual’s immediate supervisor, Human Resources, the appropriate

Administrative Body or their designee, the administrator(s) responsible for supervising the individual, the administrator(s) of organizations that provide personnel to LSUHSC-NO, the individual’s professional impaired committee (if applicable), and appropriate agencies (when required). All alcohol and drug test results will be maintained in separate files and handled in accordance with Federal Law 42 CFR Part 2.

IX. Dissemination of Policy

LSUHSC-NO Substance Abuse Policy will be disseminated to individuals at the time of employment/enrollment and will be included in the LSUHSC-NO policy manual.

X. Review

The Director of Human Resources and CAP will make a biennial review of this policy.
Exhibit I

Louisiana State University Health Sciences Center New Orleans Campus

Drugs searched for during alcohol and/or drug testing may include (but are not limited to):

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine
- Opiates (including various synthetic opiates
- Phencyclidine
- Marijuana

Confirmed alcohol testing will be done with an evidential breath testing device or by blood.

Exhibit II

- LSUHSC NO Administrative Referral form
- Agreement to Submit to Alcohol and Drug Testing and Authorization for the Release of Test Results
- Drug Testing Notification Form
- LSUHSC NO Post Job Offer Drug Testing Instructions for Job Candidates & House Officers
- Questions Regarding LSUHSC NO Drug Testing Program.
- LSUHSC NO Supervisor’s Instructions for Drug Testing and Fitness for Duty