

Chancellor's Memorandum

CM-37 – LSUHSC New Orleans Campus Fitness for Duty

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

**From:** LSU Health Sciences Center New Orleans Chancellor

August 12, 2004

Revised: June 17, 2009

**I. Policy Statement**

Any individual, who works or is enrolled at Louisiana State University Health Sciences Center in New Orleans (LSUHSC-NO), is expected to report to work/school in a fit and safe condition. An individual who has an alcohol, drug, psychiatric, or medical condition(s) that could be expected to impair his ability to perform in a safe manner must self report his medical status to his supervisor and provide a signed medical release indicating his fitness for work/school to the Campus Assistance Program (CAP).

LSUHSC-NO requires all faculty, staff, residents, students, or other LSUHSC-NO workers who observe an individual who is believed to be impaired or is displaying behavior deemed unsafe at work/school to report the observation(s) to their supervisor for appropriate action. Supervisors are then required to make an administrative referral to CAP for assessment. An individual who is referred to CAP and found to be impaired must provide CAP, prior to returning to work, with a signed medical release indicating he is fit to resume his work or school responsibilities at LSUHSC-NO.

**II. Scope**

This policy applies to all faculty, staff, residents, students, contract and subcontract workers, medical staff, volunteers, laborers, or independent agents (henceforth referred to as individuals) who are conducting business on behalf of, providing services for (paid or gratis), or being trained at LSUHSC-NO.

**III. Purpose**

LSUHSC-NO promotes and protects the well-being of faculty, staff, residents, students, and patients by:

- Ensuring that an individual whose condition could place him "at risk" of causing a danger to self or others does not return to work/school until the individual is fit to return to employment/enrollment and is provided optimum support and supervision to minimize future risks and relapse.
- Identifying impaired individuals and providing assistance in obtaining care and /or rehabilitation to impaired individuals
- Ensuring impaired individuals are fit for employment/enrollment upon return to LSUHSC-NO

**IV. Definitions**

Administrative Body - The administrative authority for all individuals, except students, shall rest with Human Resource Management and/or the Dean or his designee of the school the individual works. Administrative authority for students shall rest with the Dean of Academic Affairs of the student's respective school.

Administrative Referral Form - is a form used by supervisors to document the reason(s) an individual is believed to be impaired or in an unsafe condition at work/school.

At Risk Individual - an individual whose condition is in remission, who is at risk for relapse, and in whom recurrence of his problem(s) could pose a danger to self or others.

Continuation of Employment/Enrollment Contract - is a contract between LSUHSC-NO and an individual that establishes conditions under which LSUHSC-NO will allow an "at risk" individual to continue in his employment/enrollment.

Drug - is defined as a controlled substance according to schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Medical Release - Fitness for Employment/Enrollment Form - is an LSUHSC-NO form that must be completed by an appropriate physician or therapist indicating the individual's fitness to return to work or school.

Signs of Unsafe/Impaired Behavior - unsafe/impaired symptoms may include, but are not limited to, the following:

- Drowsiness or sleepiness
- Alcohol and/or drug odors on the breath
- Slurred or incoherent speech
- Confusion
- Aggressive behavior
- Unexplained mood changes
- Lack of manual dexterity
- Lack of coordination
- Work or school related accidents or injuries where a reasonable suspicion of substance abuse exists
- Excessive sloppiness
- Illegible or errant charting
- Leaving work area for extended periods or unexplained reasons

Pronouns - Generic masculine pronouns, such as he/him/his are used when addressing an "indefinite" or "undefined" individual and are used to address both male and female when the gender is unknown. The singular encompasses the plural.

#### V. Self Referral Procedures

An individual must report their medical status to his supervisor and obtain a Medical Release Fitness for Employment/Enrollment Form (see Section IX) if:

- He is seeking treatment or are being treated for alcohol or drug abuse/dependency while employed/enrolled at LSUHSC-NO,
- He is hospitalized for or absent from work/school due to a medical or psychiatric condition that could be expected to impair his ability to perform his work/school duties in a safe manner, or
- He is taking prescription medication(s) that could be expected to impair his ability to perform their work/school duties in a safe manner

#### VI. Referral Procedures for Individuals Who are Found to be Impaired at Work/School

When an individual appears to be unfit for work/school, the following procedures should be followed:

A. Identifying the Individual

Supervisors who observe or receive any information about an individual who is believed to be impaired or in an unsafe condition at work/school must document the incident on an Administrative Referral form (Appendix I available online as part of CM-37), interview the individual, and notify the appropriate Administrative Body.

B. Suspension from Work or School

The respective Administrative Body will suspend the individual, with pay (if applicable), from his work/school responsibilities, pending an investigation; give suspension instructions to the individual; and immediately refer the individual to the Campus Assistance Program (CAP) for assessment/treatment.

C. Referral of Impaired Individuals

The supervisor or the respective Administrative Body will:

1. Inform the individual that his behavior has been documented and that an administrative referral has been made to CAP for evaluation or drug testing as appropriate.
2. Contact CAP by calling 568-3931 or 568-8888 and provide the CAP counselor with a copy of the Administrative Referral Form, and immediately and directly escort the individual to CAP for an appropriate evaluation. The supervisor will stay with the individual until completion of the evaluation.

## VII. Sanctions

Sanctions that may be imposed on individuals who violate this policy include:

- Oral/written warning
- Written reprimand
- Suspension with/without pay
- Termination

Refusal of assistance, evaluation, and/or drug testing will result in notification of the appropriate Administrative Body and is grounds for termination or suspension. The LSUHSC-NO Campus Police will be notified to escort the individual from LSUHSC-NO premises.

City, state, or professional licensing boards and other agencies, will be informed if applicable and/or as required.

## VIII. Assistance Program Evaluations

As part of the CAP evaluation, the CAP Counselor may request additional psychiatric evaluations, medical evaluations, or laboratory testing including testing for the presence of alcohol and/or drugs. Additional evaluations and tests beyond the scope of normal services provided by CAP will be the financial responsibility of the individual.

If an evaluation reveals that an individual is impaired, the supervisor will be informed orally and in writing by the CAP Counselor that the individual referred for evaluation is not fit for work or school. The

supervisor will then contact the appropriate Administrative Body to report CAP's findings. If the individual is impaired, he will be sent home. The impaired individual will be offered assistance and discouraged from driving. If an evaluation reveals that an individual is posing a danger to self or others, the CAP Counselor will arrange for appropriate clinical intervention.

#### IX. Medical Release: Fitness for Employment/Enrollment Form

##### A. Medical Release Stating No Follow-Up Treatment Is Necessary

Prior to returning to work or school, an individual who requires no follow-up treatment must:

- Provide CAP with a Medical Release - Fitness For Employment/ Enrollment Form signed by an appropriate physician or therapist indicating the individual's fitness for work/school and stating that no further follow-up treatment is needed, and
- Obtain an evaluation and clearance from CAP

##### B. Medical Release Stating Follow-Up Treatment Is Necessary

An "at risk" individual who has been removed from work/school and who has: 1) tested positive for the presence of alcohol or drugs and/or (2) been diagnosed or treated for medical and/or psychiatric problems and whose condition is in remission as the result of ongoing therapy, may return to work/school if he agrees to and provide the following:

- A signed Medical Release - Fitness for Employment/Enrollment Form and medical evidence indicating their fitness for work/school
- Evidence of continued care and an outpatient treatment plan approved by CAP
- A signed Continuation of Employment/Enrollment Contract
- Agreement to have close performance monitoring
- Agreement to have alcohol and drug testing, if the individual tested positive for alcohol or drugs or was diagnosed with an alcohol or drug abuse/dependency problem
- Agreement to have periodic medication checks and laboratory testing, if the individual was diagnosed with a condition(s) requiring psychotropic medication

#### X. Continuation of Employment/Enrollment Contract

LSUHSC-NO will require as a condition of continued employment/enrollment an "at risk" individual to maintain a continued care plan either recommended or approved by CAP and sign a Continuation of Employment/Enrollment Contract with the following stipulations:

- LSUHSC-NO will require, as a condition of continued employment/enrollment, an "at risk" individual to participate in additional appropriate follow-up programs as determined by CAP. The follow-up programs may run from one to five years, with regular reports to CAP.
- The individual will authorize all persons involved in his evaluation and/or treatment to disclose to the CAP Counselor any evaluation or information relevant to his treatment. Withdrawal or failure to complete the treatment program successfully, failure to have necessary medical or psychological evaluations, evidence of non-compliance with treatment guidelines, incomplete treatment, non-compliance with an aftercare program, or failure to abide by any part of a Continuation of Employment/Enrollment Contract will be grounds for immediate suspension and/or termination.
- An individual who is returning to work/school will be required to provide an appropriately signed Medical Release-Fitness for Employment/Enrollment Form documenting the individual is fit to perform all duties of his position.
- Submission to periodic or random alcohol and drug tests is required as a condition for continued employment/enrollment for an individual who has tests positive for alcohol or drugs or was diagnosed with an alcohol or drug abuse/dependency problem. Subsequent evidence of alcohol/drug abuse, drug related misconduct, or positive alcohol/drug test may result in notification of local, state, or

federal law enforcement agencies and professional licensing boards (if applicable) and will be grounds for immediate suspension/termination of employment/enrollment.

## XI. 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 Management, the appropriate Administrative Body, the administrator(s) responsible for supervising the individual, the administrator(s) of organizations that provide personnel to LSUHSC-NO, the individual's licensing board's Impaired Professional Program (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 Resource Management,
- The appropriate Administrative Body,
- Administrator(s) responsible for supervising the individual,
- Administrator(s) of organizations that provide personnel to LSUHSC-NO,
- The individual's licensing board's Impaired Professional Program (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.

## Attachments

- [LSUHSC NO Administrative Referral form](#)
- [LSUHSC NO Supervisor's Instructions for Drug Testing and Fitness for Duty](#)