

**SOUTHEASTERN LOUISIANA UNIVERSITY
COLLEGE OF NURSING AND HEALTH
SCIENCES
EMPLOYEE AND STUDENT
DRUG TESTING POLICY**

OVERVIEW

I. PURPOSE

Drug testing in the College of Nursing and Health Sciences is being done pursuant to La. R.S. 49:1015 as Nursing and Health Sciences faculty and students occupy both safety and security sensitive positions. In addition, Nursing and Health Science professionals deal with patient/client care situations where critical thinking and judgment making must occur in a split second and where human life can be in jeopardy. Individuals practicing in a clinical setting who are impaired by drugs and/or alcohol may be placing themselves, as well as, the public at risk.

Southeastern Louisiana University's College of Nursing and Health Sciences is committed to providing a safe, productive, and healthy environment for the public, patients, clients, and employees. Southeastern Louisiana University's College of Nursing and Health Sciences is committed to creating and maintaining a drug-free workplace pursuant to the federal Drug-Free Workplace Act of 1988, the Louisiana Drug Testing Act of 1990, the Drug-Free Public Housing Act of 1988 and the Drug-Free Schools and Communities Act of 1986.

II. SCOPE OF TESTING

- A. All new clinical faculty hired after an offer has been made and as a condition of employment before starting work.
- B. Any student completing a clinical, senior level practicum, senior internship, or any field experience course may be subjected to participating in a drug-testing program.
- C. After reasonable suspicion of substance abuse by a current clinical faculty or student in clinical, senior level practicum, senior internship, or any field experience course (also known as "for cause").
- D. Post accident for current clinical faculty or students.
- E. Randomly in the Fall, Spring, and Summer semesters of each academic year for current clinical faculty/students.
- F. Once contacted for a baseline or random drug test, individuals will have 36 hours to complete their drug test.
- G. Individuals sent for drug testing for cause will be required to complete the test immediately.

III. WHO IS AFFECTED BY POLICY?

Any person, paid or unpaid, in the service of the employer (Southeastern Louisiana University) in accordance with and pursuant to La. Statute # R.S. 49:1001.

- A. All W-2 employees of the College of Nursing and Health Sciences in a clinical faculty capacity (clinical, internship, practicum, or field experience)
- B. Students in the College of Nursing and Health Sciences enrolled in clinical, senior level practicum, senior level internship or any field experience course.

IV. WHAT SUBSTANCES ARE TO BE TESTED FOR?

- A. Amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, Methadone, opiates, phencyclidine, and propoxyphene (9) nine panel screen)
- B. Alcohol may be added at the discretion of the University

V. WHAT IS THE TESTING METHODOLOGY?

- A. Urine testing
- B. Blood testing, hair testing, or any other alternative testing.

VI. WHO PERFORMS THE TESTING?

An independent certified toxicology laboratory.

VII. WHO RECEIVES THE TEST RESULTS?

All results will be reported to a Medical Review Officer (MRO) within (72) seventy-two hours, who will then follow approved protocol.

VIII. WHAT IS THE CONSEQUENCE OF A CONFIRMED POSITIVE?

- A. New hires who have a confirmed positive will have their employment offer rescinded.
- B. Students who have a confirmed positive drug test will have their acceptance to the clinical component rescinded or those enrolled in practicum; internships and field experience classes will be dropped/withdrawn from the course.
- C. Currently employed faculty/enrolled students, having a confirmed positive drug test, will be removed from the practicum, internship or field experience site for the remainder of the affected semester and referred to the Comprehensive Counseling Center for a drug and alcohol assessment. Once assessed the faculty/student will required to complete the recommended course of treatment.
- D. Faculty/students may apply for reassignment/reenrollment after the first confirmed negative drug test subsequent to completion of an approved treatment program.
- E. Confirmed positives in two separate incidents will result in disciplinary action up to and including permanent termination of employment for faculty and disciplinary action up to and including permanent termination of enrollment in the clinical component of the program for students.

IX. FINANCIAL

- A. The cost of drug testing will be covered by general operating funds for faculty and student lab fees for students.

- B. A second testing (split –testing and/or alternative testing) after a confirmed positive may be at the applicant’s/employee’s/student’s expense.

DRUG-FREE WORKPLACE POLICY

I. POLICY

Drug testing in the College of Nursing and Health Sciences is being done pursuant to La. R.S. 49:1015 as Nursing and Health Sciences faculty and students occupy both safety and security sensitive positions. In addition, Nursing and Health Science professionals deal with patient/client care situations where critical thinking and judgment making must occur in a split second and where human life can be in jeopardy. Individuals practicing in a clinical setting who are impaired by drugs and/or alcohol may be placing themselves, as well as, the public at risk.

The use of illegal drugs and/or the abuse of legal drugs [or alcohol] by our employees (faculty/students) is incompatible with our goal of delivering the highest quality patient /client care. It is the policy of Southeastern Louisiana University’s College of Nursing and Health Sciences to provide an environment that is free from the adverse effects of these substances. Such an environment benefits all providers and recipients of our service.

We are committed to taking the steps necessary to provide this type of surrounding for our university and clinical communities. The University will provide literature and in-services concerning the dangers of these substances, counseling and referrals, and conduct testing for drugs and alcohol. Drug testing will include the following drugs: marijuana, opioids, cocaine, amphetamines, phencyclidine, barbiturates, benzodiazepines, methadone and propoxyphene. Alcohol may be added at the discretion of the University.

II. SCOPE

This policy applies to all applicants for faculty positions that involve clinical teaching, clinical students, as well as any student enrolled in clinical education, internship or practicum course, faculty supervising senior internships and practicums and clinical faculty of Southeastern Louisiana University’s College of Nursing and Health Sciences.

- A. Clinical faculty and students enrolled in the designated internship/clinical courses may be required to provide a urine sample to screen for drug use. Drug testing may occur prior to the semester as a condition of enrollment, during the semester as part of a randomized process, for reasonable suspicion, post accident/incident, and/or periodic/after care. Specific procedures are established by the academic program.
- B. Clinical Faculty/Students - Drug testing as defined above, will occur in the following situations:
1. Reasonable Suspicion:
Drug testing may be made only on the basis of a reasonable suspicion, based on specific objective facts and reasonable inferences drawn from those facts in light of experience that the clinical faculty/student is then under the influence of drugs or alcohol or that the clinical faculty/student has used a controlled substance within the twenty-four hour period prior to the required test. Southeastern Louisiana University’s – College of Nursing and Health Sciences reserves the right to require a

drug test of any clinical faculty/student who is reasonable suspected by a supervisor of being under the influence of an illegal drug or is impaired on the job because of use/consumption of legal or illegal drugs and alcohol. When a faculty/student is reasonably suspected by one or more supervisors of violating this policy and on the express authority of the highest officer present in the institution, the faculty/student will be directed to cooperate in testing. The reasons for the testing will immediately be made known to the faculty/student.

2. **Post Accident/Incident:**
Any clinical faculty/student involved in either a job-related accident or a job-related incident involving safety or patient care will be subject to drug testing.
3. **Periodic/After-care:**
Upon return from any absence for outpatient or inpatient treatment for substance abuse, whether it was at the recommendation of the University or voluntary on the part of the clinical faculty/student, she/he will be required to submit to periodic and/or random testing and close performance monitoring by supervisors as part of a monitoring program established by the employer to assure compliance with a treatment protocol agreement. The clinical faculty/student may also be tested in accordance with established guidelines
4. **Random Testing:**
Clinical faculty/students will be selected for drug testing pursuant to a scientifically valid random number program.
5. **Second Test -** The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.

A faculty's/student's refusal to submit to a drug test will result in termination or removal from a clinical, senior level practicum, senior internship, or any field experience course. Faculty/students who tamper with the testing process will be subject to re-testing and/or appropriate disciplinary action up to and including termination/dismissal.

IV. STATEMENT OF CONFIDENTIALITY

Except as otherwise provided by this policy, all drug testing under this policy will be done in strict confidence. Qualitative information regarding results, such as the identification of a substance, will be provided only to the designated Medical Review Officer pursuant to current law who will report final results to the appropriate university official. Results of the test will be released to appropriate licensing agencies (i.e., Louisiana State Board of Medical Examiners) on a need to know basis. All drug test results will be maintained in separate health files with restricted access.

V. CONSEQUENCES OF NON-COMPLIANCE/CONFIRMED POSITIVE TEST RESULTS

- A. In the event of a positive or inclusive test result the university may require follow-up testing which may include a split test, a 2nd test, or an alternative form testing. Confirmed positive

test results or refusal to undergo post-offer drug screening will result in non-consideration for immediate employment/enrollment or withdrawal of any existing job/enrollment offer. Following completion of the required treatment protocol, the student will be eligible to reenroll/reapply for the clinical position (internship, practicum, or field training experience) required by their respective degree plan.

B. Reasonable Suspicion/Post Accident:

1. Faculty:

Faculty will be sent on leave, pending the result of the drug test. If the results are negative, the employee will be paid for the scheduled work time lost.

If the results are confirmed positive, corrective action will be taken in accordance with the aforementioned policies and University policy. Faculty will be removed from the clinical component of the curriculum, and continued employment may be offered to faculty who have completed their probationary employment period, contingent upon entry into and successful completion of a specified treatment protocol and/or EAP program approved by the University or licensing agency

Evidence of non-compliance with treatment guidelines, incomplete treatment, and subsequent drug related misconduct, a subsequent confirmed positive test result, refusal to test or failure to abide by any part of a Return to Work Agreement between employee and employer will be grounds for immediate termination.

2. Students:

Students will not be allowed to return to a clinical, senior level practicum, senior internship, or any field experience course until results of the drug test are available. Students will be allowed to make up work missed if results are negative. If the results are positive, corrective action up to and including dismissal from the clinical component of the curriculum will be initiated. Following completion of the required treatment protocol, the student will be eligible to reenroll/reapply for the clinical portion (internship, practicum, or field experience) required by their respective degree plan.

A second incident of a confirmed positive drug test will result in disciplinary action up to and including permanent termination of enrollment in the clinical component of the program.

C. Random

1. Faculty:

If the results are confirmed positive, corrective action up to and including termination will be initiated. Faculty will be removed from the clinical component of the curriculum, and continued employment may be offered to faculty who has completed their probationary employment period, contingent upon a complete assessment and successful completion of the recommendations set forth in the assessment and/or EAP program approved by the University or licensing agency.

Evidence of non-compliance with treatment guidelines, incomplete treatment, subsequent drug related misconduct, a subsequent confirmed positive test result, refusal to test or failure to abide by any part of a Return to Work Agreement between employee and employer will be grounds for immediate termination.

Second Test - The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test result must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.

Action taken by the employer as the result of a positive drug test such as removal from performing a safety-sensitive function is not stayed pending the result of the second test.

If the result of the second test is negative, the medical review officer shall cancel the positive results of the first test.

If the results of the second test are negative, the faculty member will be paid for the scheduled work time lost.

2. Students:

If the results are confirmed positive, corrective action up to and including dismissal from the clinical, senior level practicum, senior internship, or any field experience course of the curriculum will be initiated. A student will be removed from their current clinical assignment and must complete the necessary treatment protocol. Following completion of the required treatment protocol, the student will be eligible to reenroll/reapply for the clinical portion (internship, practicum, or field experience) in clinical, senior level practicum, senior internship, or any field experience course required by their respective degree plan.

A secondary incident of a confirmed positive drug test will result in disciplinary action up to and including permanent termination of enrollment in the clinical component of the program.

Second Test - The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.

VI. CHALLENGING A POSITIVE TEST

A. Entering Students/New Faculty:

In the event of a confirmed positive test result in the post-offer drug test, the employee (clinical faculty/student applicant) will not be considered for immediate employment/enrollment. He/she will be notified of the test results and informed that she/he will no longer be considered for immediate employment/enrollment. The applicant may reapply only after (12) twelve months have expired.

All applicants with a confirmed positive drug test will be allowed to challenge the results of the test within (7) seven working days of notification and in the following manner(s):

- If the individual wishes to challenge the test results, it is his/her responsibility to notify the MRO in writing.

- Split Test - If the test of the first bottle is confirmed positive, and a split sample is collected, the faculty/student may request that the medical review officer direct that the second bottle be tested, at the faculty's/student's own expense, in an NIDA-certified or CAP-FUDD-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within (72) seventy-two hours (excluding weekends and holidays) of the faculty's/ student's having actual notice that he or she tested positive.

B. Current Faculty:

If the faculty wishes to challenge a confirmed positive test result he/she may do so in writing within (7) seven working days of notification and with the understanding that he/she will be placed on leave until the challenge is resolved.

All faculty with a confirmed positive drug test may contest the results in the following manner:

- A written request for such is submitted to the Medical Review Officer within (7) seven working days. (Faculty who are on legally prescribed and obtained medication for a documented illness, injury or ailment may be considered for continued employment only upon receiving clearance from the Medical Review Officer.)

- Split Test - If the test of the first bottle is confirmed positive, and a split sample is collected, the faculty may request that the medical review officer direct that the second bottle be tested, at the faculty's own expense, in an NIDA-certified or CAP-FUDD-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within (72) seventy-two hours of the faculty's having actual notice that he or she tested positive.

C. Current Students:

In the event of a confirmed positive test result once a student is enrolled, he/she will be removed from the clinical/internship site and withdrawn from the course for the remainder of the semester. Upon successful completion of the recommended treatment protocol, the student may apply for re-admission to the program or course.

If the student wishes to challenge the test results he/she may do so within (7) seven working days of notification and with the understanding that he/she will be removed from clinical until the challenge is resolved.

All students with a confirmed positive test may contest the results in the following manner:

- A written request for such is submitted to the Medical Review Officer within (7) seven working days. (Students who are on legally prescribed and obtained medication for a documented illness, injury or ailment may be considered for continued enrollment only upon receiving clearance from the Medical Review Officer.)
- Split Test - If the test of the first bottle is confirmed positive, and a split sample is collected, the student may request that the medical review officer direct that the second bottle be tested, at the student's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within (72) seventy-two hours of the student's having actual notice that he or she tested positive.

APPENDIX A

FORMS

APPLICATION CONSENT FORM

Applicant Name: _____

W#: _____

Applicant Consent

I, _____ authorize the collection of urine [and/or blood and hair] to screen for drug and/or alcohol use as part of my enrollment/employment. I understand that drug and alcohol screening will be performed according to the College of Nursing and Health Sciences and Agency policy. I understand failure to remain drug and alcohol free while functioning as student intern or student nurse will result in disciplinary action and/or dismissal from my academic program. I hereby verify that I am drug free and understand I must remain so as a student while a student in the School of Nursing and/or completing my student internship, practicum, or clinical placement.

Signature of Student/Employee

Date

Witness Signature