

Policy Title	Substance Abuse and Drug-Free Workplace Policy - Employees, Covered Individuals	Policy ID	476
Keywords	alcohol, diversion, nh rsa: 151:41, impair, impairment, drug, free, drugs, drug-free, workplace, drunk, substance, abuse, misuse, fit for duty, fitness for duty, drinking, drunk, under the influence		

I. Policy Statement

In the interest of promoting health and safety and preventing liability, this policy establishes Dartmouth-Hitchcock's (comprised of Mary Hitchcock Memorial Hospital and Dartmouth-Hitchcock Clinic, together, "D-H") drug-free workplace requirements and outlines the means for addressing concerns related to fitness for duty and addressing any violation of D-H requirements.

II. Policy Scope

This policy applies to all D-H employees, including residents, fellows, professional staff members, regular employees, temporary and/or term-limited employees, and per-diem employees.

III. Definitions

Drug and/or Alcohol Testing – Any and all testing for drugs and/or alcohol by Occupational Medicine or its designee.

Fitness (or Fit) For Duty – An employee's ability to perform safely and appropriately all essential job functions of their position from the time the employee reports to work and throughout the entirety of the employee's work shift with or without accommodation, as determined by D-H in its sole discretion. See also D-H's Fitness for Duty Policy (ID 511) for additional information.

Occupational Medicine – Occupational & Environmental Medicine, Employee Health, or other employee-health entity designated by D-H.

Work or Work Time – Whenever any employee reports to work, represents D-H, or conducts business for D-H, regardless of whether or not at a D-H location. Work or work time shall include, but not be limited to, attendance at any D-H sponsored event, time while on-call or on standby status, and work from any remote work location.

IV. Policy Statements

D-H is committed to providing a safe, quality-oriented, and productive work environment and to complying with the federal Drug-Free Workplace Act of 1988 and the New Hampshire Drug-Free Workplace for Licensed Health Care Facilities and Providers Act (NH RSA 151:41). Alcohol and drug use and abuse pose a threat to the health and safety of D-H patients, employees, and the public. For these reasons, D-H is committed to the elimination of drug and alcohol use and abuse in and/or affecting the workplace and to educating employees about the importance of a drug-free workplace.

A. Prohibited Conduct Concerning Alcohol and Drugs

- Except as stated below, D-H employees are prohibited from coming to work and/or performing work while under the influence of alcohol or drugs.
- Prescription and over-the-counter medications are not prohibited when taken according to the medication directions and/or according to the provider's prescription and provided the employee remains fit for duty.
- D-H employees are prohibited, during work and off duty, from engaging in unlawful use, manufacture, distribution, dispensation, solicitation, sale, transfer or possession of illegal drugs, controlled substances, inhalants, or drug paraphernalia.
- D-H prohibits employees from using, possessing, or being under the influence of marijuana, including medical marijuana, while on D-H property, in personal vehicles used for D-H business, or at any time while at Work or during Work Time. Using, possessing or being under the influence of marijuana under any of these circumstances is a violation of this policy and will subject the employee to disciplinary action, up to and including termination of employment. In addition, any employee who is subject to a return-to-work agreement with drug and/or alcohol testing requirements and who breaches any of the conditions of the agreement, including but not limited to having a positive drug test for marijuana, may be subject to immediate termination of employment.
- D-H retains the sole discretion to determine whether an employee is under the influence of alcohol and/or drugs, which determination may be based upon a positive alcohol test with a Blood Alcohol Level of 0.02 or higher, a positive drug test, and/or observed signs of impairment, including employee's speech, appearance, actions, walking, odor, behavior, and other signs of impairment.
- Employees are prohibited from diverting any amount or type of medication intended for patient use. In addition to disciplinary action, theft of medications from D-H inventories may result in reporting to appropriate governmental agencies and criminal prosecution. See D-H's Drug Diversion Prevention, Detection, and Response Policy (ID 14860, see link below) for further information.
- Questions regarding the meaning or application of this policy should be addressed to Employee Relations at (603) 653-1570 or to Occupational Medicine.

B. D-H Sponsored Social Event

- D-H occasionally sponsors events where alcohol may be available, which may include, for example, a department holiday meal, events for recruitment, or a Board of Trustee dinner event. D-H does not require or encourage anyone to consume alcohol at such events. D-H expects that employees who decide to consume alcohol at such events will do so responsibly and in compliance with this policy and will refrain from becoming inebriated. Excessive alcohol consumption at D-H social events is not permitted by D-H under any circumstances. All employees at D-H social events remain subject to all D-H policies, including all policies related to professional behavior. Employees who consume alcohol at such social events are responsible for doing so in adherence with all laws regarding the operation of motor vehicles.

- Alcohol consumption at D-H sponsored social events is at the employee's own risk and liability. Employees assume all risks associated with their consumption of alcohol and unconditionally hold D-H harmless in connection with any and all liability as a result of the employee's consumption of alcohol at D-H sponsored social events.

C. Self-Reporting of a Substance Abuse Problem

D-H endeavors to assist individuals in recovery from addiction to drugs and/or alcohol, with medical conditions requiring treatment with mood altering or controlled drugs, or with a medical history of treatment for substance abuse. Employees are strongly encouraged to seek assistance before their drug and/or alcohol use renders them unfit for duty. If an employee self-reports, every effort will be made to treat the matter as discretely as possible. The employee's fitness for duty will be determined according to the Fitness for Duty Policy.

D. Consequences for Violation of this Policy

Consequences for any violation of this policy, even when self-reporting, may include but are not limited to:

- Corrective action up to and including immediate termination of employment.
- Fitness for Duty evaluation.
- Voluntary or involuntary leave of absence from work, which may be unpaid, pending assessment/investigation.
- Referral to treatment, rehabilitation, or counseling program.
- Requirement to enter into return-to-work agreement.
- Return to work drug/alcohol testing.
- Ongoing follow-up drug/alcohol testing.
- Reporting to professional licensing boards (e.g., Board of Medicine, Board of Nursing).
- Notification to federal and state regulatory agencies.

E. Employee Responsibilities

- Providers shall comply with all applicable laws and regulations and with D-H's Provider Self-Prescribing Policy in connection with prescribing medications to themselves or to immediate family members. See D-H's Provider Self-Prescribing Policy (ID 1238, linked below) for further information.
- All employees who handle, dispense, or administer medication including all controlled substances are required to be aware of and follow all applicable laws and D-H policies and procedures regarding administration, disposal, and documentation. Any employee who removes a controlled substance from D-H property without authority (e.g., a nurse/provider mistakenly takes home a narcotic pill in his/her pocket) must immediately report the incident to his/her supervisor and return the controlled substance to D-H if D-H requests that the employee do so. An employee's failure to timely report the unauthorized removal of a controlled substance from D-H property, failure to return upon demand the controlled substance in a timely manner, and/or violation of any other D-H policy, procedure, or expectation may lead to disciplinary action up to and including immediate termination of employment.

- All employees are required by federal law and D-H policy to immediately report any known or suspected incidents of drug diversion. In addition, any employee who D-H believes has information about the administration, disposal, documentation, loss, and/or diversion of a medication including any controlled substance must cooperate fully and truthfully in any investigation D-H may conduct. An employee's failure to cooperate fully and truthfully in an investigation may lead to disciplinary action up to and including immediate termination of employment. Refer to D-H's Drug Diversion Prevention, Detection, and Response Policy (ID 14860) for further information.
- An employee who is arrested for and/or charged with a drug or alcohol-related offense must inform their supervisor, Employee Relations, or Occupational Medicine as soon as he or she is able to do so, which generally means within 48 hours, but no later than the commencement of his or her next regularly scheduled shift. An employee who is convicted of a drug or alcohol-related violation must inform their supervisor within 48 hours and no later than the commencement of his or her next regularly scheduled shift.
- An employee taking prescription or over-the-counter medications is responsible for consulting with the prescribing provider and/or pharmacist to ascertain whether the medication may impair safe performance of their job. If the use of the medication could impair the employee's ability to perform safely his or her job functions, it is the employee's responsibility to notify their supervisor, request a leave of absence, or request a temporary change of duties or other workplace accommodation.
- Any employee who becomes aware or has reasonable concern that another employee is impaired or has engaged in or is engaging in conduct prohibited by this policy shall immediately report their concerns to an appropriate supervisor or to Human Resources.

F. Supervisor Responsibilities

Any supervisor who receives a report of employee substance abuse, or has actual knowledge or reasonable concern that an employee has engaged in or is engaging in conduct prohibited by this policy, shall not permit the employee to work until the matter has been thoroughly assessed and resolved through consultation with Occupational Health and Human Resources (see the Fitness for Duty Policy).

G. Investigation

Once D-H becomes aware of an alleged violation of this policy, Human Resources or its designee will conduct a prompt, thorough, and impartial investigation. All employees are required, as a condition of employment, to be truthful, forthcoming, and cooperative throughout the investigation. Any employee who refuses to fully cooperate or participate in the investigation may be subject to disciplinary action, up to and including termination of employment.

H. Drug and Alcohol Testing

- D-H conducts post-offer/pre-employment drug testing of all prospective employees pursuant to Occupational Medicine protocols. D-H also conducts drug and alcohol testing of employees when based upon reasonable concern, as well as return-to-work and follow-up drug and/or alcohol testing pursuant to Occupational Medicine protocols. Compliance with this testing is a condition of employment. An employee who refuses timely drug or alcohol testing, adulterates or dilutes their specimen, substitutes their specimen with that from another person, sends an imposter for testing, will not sign the required forms, or refuses to cooperate in the testing

process in such a way that prevents timely completion of the test, is subject to disciplinary action up to and including termination of employment.

- The Fitness for Duty Policy establishes the terms for drug and alcohol testing of employees for whom D-H has reasonable concerns about the employee's fitness for duty due to drug or alcohol impairment or who are reasonably suspected of drug diversion and establishes consequences for failure of a drug and/or alcohol test.
- Drug Testing with results positive for marijuana will be assessed on a case-by-case basis to determine whether the positive result constitutes a violation of this policy and/or disqualifies an applicant from D-H employment.
- The terms for drug screening of non-employees who work or engage in educational programs at D-H are established in the contract or agreement between D-H and the relevant school, agency, or other organization. D-H prohibits any student, school representative, vendor representative, consultant, or similar invited guest from using, possessing, or being under the influence of alcohol and/or drugs, including medical marijuana, while on D-H property (with the exception of prescription and over-the-counter medications when taken according to the medication directions and/or according to the provider's prescription).
- To ensure accuracy and fairness of testing, D-H conducts drug and alcohol testing in accordance with federal law and Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines.

I. Reporting to Professional Licensing Board and Federal and State Agencies

D-H shall report violations of this policy to the appropriate authorities, boards, and/or agencies as required by applicable state and/or federal law and D-H policies and procedures. D-H encourages employees to self-report a violation to his/her licensing board. D-H also encourages providers with substance use concerns to seek prompt assistance from the New Hampshire Professionals Health Program, a non-profit New Hampshire organization providing peer assistance services for New Hampshire licensed providers (including without limitation physicians, physician assistants, and nurses) who are experiencing difficulties with concerns including substance abuse and addiction and psychiatric and behavioral health concerns, among others.

J. Other Information

Nothing in this policy provides any contractual rights regarding terms and conditions of employment, nor does anything in this policy alter or modify the employment-at-will relationship between D-H and its employees.

VI. References

Substance Abuse and Mental Health Service Administration Guidelines (<http://www.samhsa.gov/>)

Responsible Owner:	Human Resources	Contact(s):	Tanja Cloutier
Approved By:	Office of Policy Support - Organizational Policies Only; Adamo, Philip; Claiborne, Aimee	Version #	4
Current Approval Date:	12/13/2021	Old Document ID:	HR.0038, HR.0051
Date Policy to go into Effect:	12/13/2021		
Related Policies & Procedures:	Bylaws, Rules and Regulations of the Dartmouth Hitchcock Professional Staff Code of Ethical Conduct-D-H Corrective Action Policy - Employees Drug Diversion Prevention, Detection, and Response Policy Fitness for Duty Policy - Employees, Covered Individuals Provider Self-Prescribing Policy - Retail and Specialty Pharmacy Pre-Placement Health Assessment and Drug Test Policy - Job Candidates Security Measures Policy Workplace Violence Policy		
Related Job Aids:			