

System - Human Resources

TITLE:

Drug and Alcohol Free Workplace

OUTCOME STATEMENT:

SSM Health (“SSM”) is committed to maintaining a drug and alcohol free workplace and workforce in order to ensure a safe and productive work environment and to support our mission of providing exceptional health care services. This policy is in accordance with the Drug Free Workplace Act of 1988

SCOPE:

This policy is applicable to employees of SSM Health*, and its wholly-owned operating entities, SSM Health Medical Groups, and all other wholly-owned operating entities of SSM Health with the exception of Navitus and SSM Health Saint Louis University Hospital which maintain separate policies.

FILE MAINTENANCE INFORMATION:

Original Effective Date: 3/10/2008
 Revision Dates: 12/1/2015; 01/01/2020
 Review Dates: 4/16/2012
 Author(s): System Director Employee Relations
 Body or Person Last Approved: Chief Administrative Officer

* As required by CMS Regulation §482.12 A-0043 Conditions of Participation: Governing Body, the following hospitals are included as SSM Health ministries:
Missouri: (1) SSM Health St. Mary’s Hospital – St. Louis and SSM Health Cardinal Glennon Children’s Hospital, (2) SSM Health DePaul Hospital – St. Louis, (3) SSM Health St. Clare Hospital – Fenton, (4) SSM Health St. Joseph Hospital – Lake St. Louis, (5) SSM Health St. Joseph Hospital – St. Charles and SSM Health St. Joseph Hospital – Wentzville, (6) SSM Health St. Mary’s Hospital – Jefferson City, (7) SSM Health St. Mary’s Hospital – Audrain,
Oklahoma: (1) St. Anthony Hospital and Bone & Joint Hospital at St. Anthony, (2) St. Anthony Shawnee Hospital,
Wisconsin: (1) SSM Health St. Mary’s Hospital – Madison, (2) SSM Health St. Clare Hospital – Baraboo, (3) SSM Health St. Mary’s Hospital – Janesville, (4) The Monroe Clinic, (5) Ripon Medical Center, (6) Waupun Memorial Hospital, (7) St. Agnes Hospital,
Illinois: (1) SSM Health St. Mary’s Hospital – Centralia and (2) SSM Health Good Samaritan Hospital – Mt. Vernon

DEFINITIONS:

- I. **Illicit Drug:** any illegal drug; including both medical and recreational marijuana; any prescription drug for which the employee does not have a current, valid prescription; any prescription drug that is prescribed at non-therapeutic levels or used in a manner or quantity other than prescribed; an over-the-counter drug used in a manner or quantity other than as set forth in the directions.
- II. **Intoxicating Substance:** a consumable that produces an altered mental or physical state, influencing a person's normal capacity to act or reason. Some examples include natural or synthetic drugs, bath salts, compressed aerosol products or inhalants, glue, gasoline, paint thinner or remover, nitrous oxide, ether, chloroform, helium, refrigerants, correction fluid, felt tip marker fluid, and lighter fluid.
- III. **Cannabis, marijuana and cannabinoids:** cannabis (also known as marijuana) is a plant of the Cannabaceae family and contains more than eighty biologically active chemical compounds (also known as cannabinoids). The most commonly known compounds are delta-9-tetrahydrocannabinol (THC) and cannabidiol (CBD).
- IV. **Medical Marijuana** refers to using the whole, unprocessed marijuana plant or its cannabinoid extracts to treat symptoms of illness and other conditions. The U.S. Food and Drug Administration (FDA) has not recognized or approved marijuana as medicine but it has approved several cannabinoids which are available only as prescription products; these are excluded from this definition.
- V. **Safety Sensitive Position:** a position in which the employee's job performance may affect the health and safety of the employee, patients, visitors, co-workers, or others. The ability to work safely and in a constant state of alertness is an essential function of all safety-sensitive positions at SSM. Such positions include, but are not limited to, direct patient care, pharmacy, lab, security, energy center, and those that require driving as an essential function.
- VI. **SSM Premises:** includes all buildings, offices, facilities, grounds, parking lots (including within private vehicles), lockers, desks, places and vehicles owned, leased or managed by SSM.
- VII. **Under the Influence:** the presence of alcohol, illicit drugs, and/or other intoxicating substances in one's system sufficient to yield a positive alcohol or drug test result and/or actions, appearance, speech or odors that reasonably cause SSM management to conclude that an employee is impaired.

PROCESS:

- I. **Illicit Drugs, Alcohol, and other Intoxicating Substances**
 - A. Employees may not use, possess, transport, promote, sell, purchase, transfer, trade, dispense, or distribute any illegal drug(s) at any time on SSM Premises or while on duty.
 1. Marijuana, other than a few FDA-approved medications available with a prescription, is illegal in all fifty states under federal law; namely, Schedule I of the federal Controlled Substances Act.
 - B. Employees may not report for duty or otherwise perform work, on or off SSM premises, while under the influence of an intoxicating substance.
 - C. Consumption of alcohol during work time or while on SSM premises is prohibited. If alcohol is authorized by management to be provided at an SSM-sponsored function, either on or off SSM premises, consumption of alcohol in moderation does not violate this policy so long as the employee acts in a lawful and safe manner.
 - D. Use of illicit drugs or alcohol off SSM premises in a manner that adversely affects personal work performance, the performance or safety of others, or SSM's reputation in the community is prohibited.

- II. Employee Self Reporting
 - A. SSM strives to be supportive to employees who admit to a substance abuse problem prior to a situation giving rise to testing or corrective action.
 - B. Employees may request information regarding drug and/or alcohol counseling and inpatient and outpatient rehabilitation services from Human Resources or Employee Health.
 - C. SSM may provide the employee a leave of absence for the purpose of treatment and the opportunity to return to work after a referral to the Employee Assistance Program (EAP).
 - D. Employees who self-report and take a leave of absence are subject to return to work testing.
 - E. Employees who have worked under the influence, diverted narcotics, or otherwise engaged in intolerable misconduct prior to requesting or seeking treatment are subject to termination of employment.
 - F. Employees with a valid medical marijuana card or license who report the use or intended use of medical marijuana to Human Resources or Employee Health prior to being directed to submit to a reasonable suspicion drug test will participate in the interactive discussion process in accordance with the Disability Reasonable Accommodation Policy.
- III. Employee Prescription, Over-the-Counter Drug, or Medical Marijuana Use
 - A. Employees must promptly report to Human Resources or Employee Health any use of prescription or over-the-counter medication or any other substance, including medical marijuana, that may impair their ability to safely perform their job duties or pose a danger to the welfare of patients, visitors, co-workers, themselves, or others.
 - B. Human Resources will review such reports in accordance with the Disability Reasonable Accommodation Policy.
- IV. Obligation to Report Employees, Physicians and Other Co-workers
 - A. Any employee who believes a fellow employee, physician, or contract worker may be under the influence of an illicit drug (including medical marijuana), alcohol, or other intoxicating substance shall confidentially discuss the concern with his or her supervisor, Human Resources, or Employee Health.
 - B. Risk Management will report to Human Resources concerns received via event reports regarding potential impairment.
 - C. Reports received will be promptly investigated in a manner that maintains confidentiality to the greatest extent practicable.
- V. Types of Testing
 - A. Pre-Employment:
 - 1. Applicants extended a conditional offer of employment must submit to a drug test as a condition of employment.
 - 2. Failure to report for drug testing when and as instructed will result in withdrawal of the employment offer.
 - 3. Positive test results for illicit drugs will be reviewed by the Medical Review Officer (MRO). If the MRO upholds the results, the employment offer will be withdrawn.
 - 4. Medical Marijuana
 - i. Applicants for safety-sensitive positions who test positive for marijuana (THC), even with a valid medical marijuana card or license, are not qualified and the offer will be withdrawn.

- ii. Applicants for non-safety-sensitive positions who test positive for marijuana (THC) and hold a valid medical marijuana card or license will be permitted to start employment, and will be subject to all prohibitions and forms of testing set forth in this policy.

B. Reasonable Suspicion:

1. A supervisor or other member of management with a belief that an employee is working under the influence will conduct a reasonable suspicion assessment.
2. Reasonable suspicion is based on specific, objective evidence sufficient to form a reasonable belief that the employee is impaired because of alcohol or illicit drug use. A Reasonable Suspicion Record Form will be used to guide and record the assessment.
3. The supervisor will ask at least one other management representative, a security officer, or Human Resources to also consider the specific, objective evidence and serve as witness in completing the Reasonable Suspicion Record Form.
4. Management will ensure the employee is safely transported to the test site and has safe transportation home.

C. Post-Incident:

1. SSM may require drug and/or alcohol testing in the event of a workplace accident or injury, especially when the incident risks or causes injury to a patient or causes damage to equipment or other property.
2. Management will ensure the employee is safely transported to the test site and has safe transportation home.
3. A positive drug or alcohol test in connection with a workplace accident may result in a reduction or disqualification from eligibility for workers' compensation benefits in accordance with applicable state law.

D. Unannounced:

1. SSM may require unannounced drug and alcohol testing of a group of employees based on department or job classification. Such testing will be conducted through a process that removes discretion in selection.
2. Employees who undergo unannounced testing will be eligible to continue working while the test results are pending.
3. Unannounced testing will be required only in unusual circumstances when deemed necessary to ensure a drug free workplace and must be approved by the ministry leader or system leadership after consultation with Human Resources.

E. Return to Work: An employee who has been granted a leave of absence after voluntarily self-reporting use of illicit drugs may be subject to a return to work drug test before resuming duties.

VI. Consequence to Employees of Positive Drug or Alcohol Test and Refusal to Test

- A. A positive test result for illicit drugs or alcohol is grounds for termination of employment.
- B. An employee's refusal to promptly submit to drug or alcohol testing in accordance with this policy is grounds for termination of employment.
- C. Medical Marijuana
 1. Employees who use marijuana pursuant to a valid medical card or license are not qualified, and therefore will not be permitted, to work in safety sensitive positions.
 2. A positive test result for marijuana (THC) based on reasonable suspicion that the employee was working under the influence is grounds for termination of employment, whether or not the employee holds a valid medical marijuana card or license.

3. A positive test result for marijuana of a valid medical marijuana card holder based on post-incident or unannounced testing without reasonable suspicion that the employee was working under the influence will be reviewed by Human Resources in accordance with the Disability Reasonable Accommodation policy.

D. Recreational Marijuana

1. Marijuana, other than a few FDA-approved medications available with a prescription, is illegal in all 50 states under the federal Controlled Substances Act.
2. All employees are subject to compliance with this policy, even those who work or reside in a state or locality that has legalized recreational marijuana.

VII. Testing Procedures

- A. Drug and alcohol testing will be conducted on a blood, urine or other approved sample provided by the applicant or employee and performed by a licensed testing facility using testing and collection standards in accordance with state law.
- B. Samples shall be collected and tested with regard to the privacy of the individual being tested and in the case of urine samples, in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
- C. Sample collection and testing shall be performed so as reasonably to preclude the possibility of sample contamination, adulteration or misidentification.
- D. In connection with sample collection, all applicants and employees subject to testing will have the opportunity to provide information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or non-prescription drugs, or other relevant information.
- E. Sample testing shall conform to scientifically accepted analytical methods and procedures. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required.
- F. Employees will be paid for the time related to testing.

VIII. Inspections: SSM reserves the right to inspect SSM premises for drugs, drug paraphernalia, alcohol or other intoxicating substances. Employees may be asked to cooperate in inspections of their desks, lockers, work areas, and items they bring onto SSM property, and should have no expectation of privacy in those areas or items.

IX. Confidentiality: Information regarding drug or alcohol tests, test results, and investigations shall be maintained in separate files and treated confidentially. Such information will only be released on a need to know basis to the appropriate SSM representatives, the MRO, and/or the EAP upon referral, unless authorized by the employee, required by state or federal law or regulation, governmental investigation or court order, or requested by law enforcement.

X. Corrective Action

- A. Employees who violate this policy are subject to corrective action up to and including termination of employment.
- B. Use of illicit drugs, being under the influence of illicit drugs, alcohol or other intoxicating substances in the workplace, positive drug or alcohol tests, and other violations of this policy may require SSM to report violations to the applicable state licensing board or division.
- C. Any medical professional working under a state ordered impaired health professional agreement may be required to confirm compliance to SSM.

XI. Exception Review: Any exception to this policy must be recommended by Human Resources and will be considered only when there is documented evidence of a critical need for the exception. The

recommended exception must be approved by the System Vice President of Human Resources prior to implementation.

DOCUMENTATION:

[Employee Refusal to Test Form - Drug and Alcohol Free Workplace](#) - Attached
Reasonable Suspicion Record Form - Drug and Alcohol Free Workplace - Attached

REFERENCES:

Drug Free Workplace Act 41 U.S. Code § 8101 et. seq.

Standards for Workplace Drug and Alcohol Testing Act (OK), 40 O.S. § 555.