Policy Name: Drug and Alcohol Testing

Purpose:
Due to concerns about diversion of prescription drugs in the health care field, as well as the safety-sensitive nature of our profession, Accurate Home Care has a no-tolerance policy for use of illegal drugs, un-authorized use of prescription drugs, or being under the influence of alcohol while on duty.

Category:
Human Resource Management

States:
IA, IL, MN, ND

Service Line:
ARMHS, CTSS, Day Treatment, Home Health, Home Nursing, Hospice, PCA, Waiver

Responsible Employees:
All employees
Independent contractors

Policy:
Employees of Accurate Home Care are expected to be in a suitable mental and physical condition at work, capable of performing their duties according to each patient’s care plan in a responsible manner. The use or possession of alcohol, illegal drugs or other intoxicants while working with a patient will result in disciplinary action.

Under no circumstances shall an employee report for duty while in possession of, under the influence of, attempting the sale of, or transfer of alcohol, marijuana, hallucinogenic drugs, narcotics, or prescription drugs not specifically prescribed for the employee.

Upon the report from patient, patient’s family members or co-workers of any inappropriate, unusual or strange behavior, or if the employee is injured on the job or causes injury to another person while on duty, the employee will be subject to an investigation and maybe required to undergo drug testing.

If a patient or an employee makes a report regarding the use of alcohol, illegal drugs or other intoxicants by a staff member of the company, management will investigate the claim immediately. If the investigation confirms the claim, appropriate action will be taken.
Medical Marijuana

Some states in which Accurate Home Care provides services allow the use of marijuana or cannabis oil for medicinal purposes. Accurate Home Care does not allow the use, possession or impairment by medical marijuana or cannabis on its premises or client homes or during employment hours.

Individuals Subject to Testing and Circumstances Under Which Drug or Alcohol Testing May be Required.

Reasonable Suspicion (Including Post-Accident Testing). Accurate Home Care will test an employee for drugs or alcohol when a supervisor or manager has reasonable suspicion that the employee: (1) is under the influence of drugs or alcohol; (2) has violated Accurate Home Care’s written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while the employee is working or while the employee is on Accurate Home Care’s premises or operating Accurate Home Care’s vehicles, machinery or equipment; (3) has sustained a personal injury, or has caused another employee to sustain a personal injury, which injuries are arising out of and in the course of employment; or (4) has caused a work-related accident or was operating or helping to operate machinery, equipment or vehicles involved in a work-related accident.

Treatment Program. Accurate Home Care may require employees to undergo drug or alcohol testing if the employee has been referred by Accurate Home Care for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan, in which case the employee can be required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

Alcohol Testing

The standard for alcohol concentration that constitutes a positive test for alcohol in Iowa under this policy is .04 grams of alcohol per two hundred ten liters of breath, or its equivalent. Accurate Home Care does not utilize breath testing for alcohol in Minnesota.

Testing Procedures

Drug or alcohol testing will occur during, or immediately before or after a regular work period. The time required for testing is deemed work time for purposes of compensation. Accurate Home Care will pay all actual costs for drug or alcohol testing, except as otherwise noted herein. Accurate Home Care will provide transportation to any collection site.
Refusal to Submit to Testing and Consequences of Refusal.

Any Accurate Home Care employee has the right to refuse to submit to a drug or alcohol test requested by Accurate Home Care pursuant to this policy. If an employee refuses to undergo testing, however, he or she will be subject to discipline, up to and including immediate discharge. An employee is considered to have refused to undergo testing if he or she:

(1) fails to provide an adequate sample without a genuine inability to do so, as determined by a medical evaluation;

(2) Engages in conduct that obstructs the testing, including alteration, adulteration, dilution, or substitution of a sample.

Right to Explain Positive Test Result or Request and Pay for a Confirmatory Retest.

If the laboratory reports to Accurate Home Care that a negative drug test was dilute, the employee will be directed to take another test immediately. If the employee refuses to take a second test, this constitutes a refusal to test. A “positive dilute” is considered a positive drug test.

If an initial screening test or confirmatory test shows a negative test result, Accurate Home Care will inform the employee in writing of the negative test result within three (3) working days after receipt of the test result from the testing laboratory and inform the employee of his or her right to request and receive a copy of the test result report.

If the initial screening test shows a positive test result, the testing laboratory will run a confirmatory test on the sample. If the confirmatory test shows a positive test result, Accurate Home Care will notify the employee in writing within three (3) working days of receipt of the result from the laboratory and will further inform the employee of the following:

(1) The employee may request and receive a copy of the test result report.

(2) The employee may submit information to Accurate Home Care in writing within three (3) working days after notice of a positive test result on a confirmatory test to explain the result and may indicate any over-the-counter or prescription medication that the individual is currently taking or has recently taken.

(3) The employee may request in writing a confirmatory retest of an original sample at the employee’s own expense after notice of a positive test result on a confirmatory test. An employee must notify Accurate Home Care in writing of his or her intention to obtain a confirmatory retest by the laboratory utilized by Accurate Home Care or another certified laboratory within five (5) working days after notice of a confirmatory test result (if in Minnesota) or within seven (7) working days after notice of a confirmatory test result (if in Iowa).
For employees in Iowa, a Medical Review Officer ("MRO") shall, prior to the results being reported to the employer, review and interpret any confirmed positive test results.

Accurate Home Care will notify the original testing laboratory that the employee has requested a confirmatory test within three (3) working days after receipt of notice that the employee wishes to have a confirmatory retest conducted on his or her sample.

Pending receipt of final test results, an employee may be temporarily suspended from his or her job, without pay. If an employee is suspended and the final result is negative, the employee will be reinstated immediately with full back pay. No adverse personnel action will be taken if a confirmatory retest does not confirm an original positive test result. Nothing in this policy precludes or governs termination or discipline of an employee at any time for any reason, (including but not limited to use or possession of drugs or alcohol at work) other than a positive test result on a drug test.

There are no other appeal procedures available.

**Consequences of a Positive Confirmatory Test.**

An employee who tests positive on a confirmatory test for the first time on a drug or alcohol test required by Accurate Home Care, and who does not timely and successfully refute the test results by explanation or retesting ("First-Time Failing Employee"), will be subject to discipline, suspension, transfer, demotion, or any other adverse personnel action other than discharge (except as set forth below), to be determined solely by Accurate Home Care.

In addition, any First-Time Failing Employee will be subject to further discipline, up to and including immediate discharge, if the First-Time Failing Employee:

- Fails to report for, or cooperate with, a chemical dependency evaluation scheduled by Accurate Home Care; or

- Has been given an opportunity to participate in a drug or alcohol counseling, rehabilitation, or treatment program ("Treatment Program"), whichever is more appropriate, as determined by Accurate Home Care after consideration of the chemical dependency evaluation and consultation with appropriate health professionals; and has refused to participate in the treatment program or has failed to successfully complete the treatment program, as evidenced by withdrawal from the treatment program before its completion or by a positive confirmatory test result after completion of the treatment program.

The Treatment Program must have a set duration or end date. The employee may not return to work until the Treatment Program is completed.
An employee who tests positive on a confirmatory drug or alcohol test for a second time will be subject to discipline, up to and including immediate discharge.

**Employee Awareness Program**

Accurate Home Care has established an employee awareness program, including a resource file where employees can access help for substance abuse problems. See Human Resources for more information.

**Confidentiality.**

Test result reports and other information acquired in the drug or alcohol testing process are strictly confidential and should not be disclosed to any third-party without written consent of the employee tested.

**NOTE:** Managers should be familiar with the requirements of this policy and requirements under Minnesota or Iowa law before ordering a drug or alcohol test of an employee, and should consult with Human Resources prior to making any personnel decision based on a positive test result. Supervisors in Iowa must complete 2 hours of training initially, and 1 hour of training subsequently, concerning the recognition of evidence of employee alcohol and drug abuse and information about the company’s resources available to assist employees with substance abuse problems.
Acknowledgment of Receipt of Drug and Alcohol Testing Policy

I certify that I have received and reviewed the Accurate Home Care Drug and Alcohol Testing Policy. I agree to comply with the Accurate Home Care Drug and Alcohol Testing Policy and understand that failure to comply with the Policy may be grounds for disciplinary action, up to and including termination.

Employee Name: ________________________________ Date: ________________

Employee Signature: ___________________________________________________

Parent or Guardian, if Employee is a minor: _________________________________