

Policy Name: Drug Free Workplace	
Policy Owner: Chief People Officer	Effective Date: 07/05/2022
Approved By: System Performance Alignment & Innovation (SPAN)	Last Reviewed Date: 07/05/2022
Page 1 of 8	

1.0 Scope:

1.1 Applicable Entities:

This policy applies to:

- Texas Health Resources (Texas Health) and its member entities
- Texas Health Recovery & Wellness Center
- Texas Health Behavioral Health Virtual Visit
- Excludes the Texas Health joint venture entities (except those listed in the Formulation and Adoption of System-Wide Policies and Procedures in Section 4.1.6 or in Section 4.1.7)

1.2 Applicable Departments:

This policy applies to all Texas Health departments.

2.0 Purpose:

- 2.1 At Texas Health, we count on our collective efforts to provide optimal services to our patients and visitors by demonstrating competence and credibility in all we do. To this end, the purpose of this policy is to communicate expectations regarding maintaining an alcohol and drug free workplace.

3.0 Policy Statement(s):

- 3.1 At Texas Health, we value our employees, volunteers, and patients and care about their entire well-being including body, mind, and spirit. In support of our commitment to provide safe and reliable services to the patients we are privileged to serve, and to provide a safe work environment for all, members of our care teams are required to avoid behaviors that may cause harm to themselves or others by remaining drug-free and alcohol free.
- 3.2 At Texas Health, we are committed to creating a workplace where diversity is celebrated, and inclusion exists at all levels. As such, Texas Health does not tolerate discrimination in any form or any behaviors that are incompatible with our core Values – Respect, Integrity, Compassion, and Excellence and Our Texas Health PromiseSM.

4.0 Policy Guidance:

- 4.1 Part of creating a healing environment where our patients can focus on their well-being and recovery is one in which all members of the care team are functioning at their best. In this spirit, Texas Health prohibits the use, disbursement,

transportation, promotion or sale of illegal drugs, or other legal but illicitly-used substances including inhalants, household products containing alcohol or over the counter drugs.

- 4.2 Texas Health prohibits the use or misuse of any prescription drug without proper medical authorization. Texas Health also prohibits the use of Medical Marijuana even if its use has been authorized by a licensed health care provider (LHCP), as well as any legal forms of marijuana that are available and do not require LHCP authorization.
- 4.3 Care Team Members must not report for work or remain on duty while impaired or intoxicated.
 - 4.3.1 Employees should report to work fit for duty and free of any adverse effects of illegal or legal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.
- 4.4 Because of our unwavering commitment to providing a safe environment for all, an employee's consent to submit to testing is required as a condition of employment. A Final Candidate or Volunteer Candidate's consent is required for completion of the hiring process or being placed in a volunteer role.
 - 4.4.1 If the Final Candidate or Volunteer Candidate is a Minor, parents should complete the Consent for Treatment Survey prior to the drug screen testing being conducted.
- 4.5 The entity Employee Health Services Department or its designee will perform all testing, unless otherwise specified.
- 4.6 All positive drug/alcohol-screening results will be reviewed by the Medical Review Officer for verification.
- 4.7 No copies of test results will be given to Final Candidates, employees, Volunteer Candidates, Leaders or Human Resources unless directed by the Medical Review Officer. Texas Health will release test results in response to a subpoena or if necessary, to provide documentation for any outside agency investigation as directed by the Chief People Officer.
- 4.8 Unless directed by the Medical Review Officer, no re-testing of Final Candidates, Volunteer Candidates or employees with positive test results will be performed.

- 4.9 If an employee refuses to submit to drug and/or alcohol testing and/or fails to cooperate during the testing process, he or she will be involuntarily separated from employment.
- 4.9.1 The Chief People Officer or Entity Human Resources Officer will make the determination regarding eligibility for rehire.
- 4.10 If a Final Candidate or Volunteer Candidate refuses to submit to drug and/or alcohol testing and/or fails to cooperate during the testing process, the employment offer/volunteer role assignment offer will be rescinded.
- 4.11 To maintain a safe environment for all, employees and volunteers are required to report charges and/or convictions of drug or alcohol related misdemeanors and/or felonies to Human Resources and to their Leader within ten (10) days of such charges or convictions. Leaders must immediately notify Human Resources of any known charges or convictions.
- 4.12 Employees who are working on a covered grant or provide services as part of a federal contract, may be subject to additional requirements as defined by the Federal Drug-Free Workplace Act.
- 4.13 **Testing Guidelines - Drug and/or Alcohol Testing Will Occur in the Following Circumstances:**
- 4.13.1 A drug/alcohol test will be required as part of the Fitness for Duty assessment process.
- 4.13.2 Post Offer Physical Assessment
- a. Texas Health will conduct drug testing on Final Candidates for employment and Volunteer Candidates. Texas Health may test employees of companies being acquired prior to the hiring of those employees.
- b. The Final Candidate or Volunteer Candidate will be scheduled for a post offer physical assessment with Employee Health Services and will not be hired until clearance has been provided by Employee Health Services to Human Resources.
- 4.13.3 Reasonable Suspicion
- a. Any employee demonstrating reasonably suspicious behaviors (see definition in section 5.7) during scheduled working hours, will be required to submit to drug/alcohol testing. When this occurs, the Leader should immediately contact a representative of Human Resources to review the circumstances and determine if testing is

appropriate. The employee must be escorted to the testing site. If a Leader is unavailable during weekends or after hours, the Nursing Supervisor or the on-call Administrator will review the circumstances, reach a decision as to whether to require the employee to submit to a drug/alcohol test, direct the testing process (if applicable), and notify Human Resources of the testing as soon as possible.

- b. After completion of the testing process, the employee should be placed on paid administrative leave pending investigation, and arrangements should be made to provide transportation for the employee to his or her home. Scheduled shifts missed as a result of the administrative leave pending investigation will be paid at the Base Pay rate (non-productive time).
- c. The employee will not be allowed to return from administrative leave until he or she receives notification from Human Resources.

4.13.4 Investigation of Circumstances Involving Theft, Diversion, or Falsification of Records or Misappropriation and/or Unauthorized Use of Texas Health's Resources

- a. In support of our ongoing commitment to providing a safe workplace, Texas Health reserves the right to test groups of employees or departments, as deemed appropriate by the Human Resources Officer and the highest-level Executive/Senior Leader of the functional area.
- b. If the decision is made to test an employee(s), the Leader must escort the employee(s) to the testing site.
- c. Once the testing has been completed, the employee(s) may be allowed to return to work conditionally while awaiting results of tests, except in cases of Reasonable Suspicion.

4.13.5 Voluntary Acknowledgement

- a. Any employee who comes forward voluntarily, whether it be when seeking a Leave of Absence (LOA) or returning from LOA, or prior to any known incident and/or investigation, and acknowledges a problem with alcohol or a legal drug(s), will be tested for both ETOH (alcohol) and an extended drug screen panel by Employee Health Services and may be considered for a rehabilitation agreement. Arrangements should be made to provide transportation for the employee to their home, if applicable.

- b. Employees returning to work from substance abuse treatment will be tested for both ETOH (alcohol) and an extended drug screen panel by Employee Health Services and may be considered for a rehabilitation agreement.
 - 1) After completion of the voluntary acknowledgement testing process, the employee should be placed on a paid administrative leave pending results and determination if rehabilitation agreement can be offered.
 - 2) If the test result is positive (or non-negative) and/or it is determined that a rehabilitation agreement cannot be offered, the employee will be voluntarily separated from employment.

4.14 Unfavorable Test Results

4.14.1 Post Offer Physical Assessment

- a. Any Final Candidate or Volunteer Candidate deemed by the MRO as positive for illegal drugs will not be hired for employment or volunteer role.
- b. Any Final Candidate or Volunteer Candidate deemed by the MRO as positive for prescription drugs, for which the Final Candidate or Volunteer Candidate is unable to show proof of medical authorization, will not be hired for employment or volunteer role.
- c. Any Final Candidate or Volunteer Candidate whose specimen is adulterated or dilute upon recollection for which the Final Candidate or Volunteer Candidate is unable to show proof of medical substantiation will not be hired for employment or volunteer role.

4.14.2 Reasonable Suspicion, and Fitness for Duty Assessments

- a. Any employee deemed by the MRO as positive for illegal drugs will be involuntarily separated from employment.
- b. Any employee deemed by the MRO as positive for alcohol and/or prescription drugs, for which the employee is unable to show medical authorization, may be involuntarily separated from employment or may be considered for a rehabilitation agreement as deemed by the Chief People Officer or designee.

- c. Any employee whose specimen is adulterated or dilute upon recollection, for which the employee is unable to show proof of medical substantiation, will be involuntarily separated from employment.

4.14.3 Circumstances Involving Theft, Diversion or Falsification of Records or Misappropriation and/or Unauthorized Use of Texas Health's Resources

- a. Any employee deemed by the MRO as positive for illegal drugs, prescription drugs, for which the employee is unable to show medical authorization, or whose specimen is adulterated or dilute upon recollection, for which the employee is unable to show proof of medical substantiation, will be involuntarily separated from employment.

4.14.4 If a decision is made to involuntarily separate an employee due to positive alcohol/drug test results, Texas Health may pay the employee's COBRA costs for existing medical coverage for up to six (6) months if the employee actively participates in a rehabilitation program and provides proof of successful completion of the program.

4.15 Rehabilitation Agreements

- 4.15.1 The offering of a rehabilitation agreement to any employee as an alternative to involuntary separation or as a result of the employee's voluntary acknowledgement of problem with alcohol or legal drug(s), must be approved in advance by the Chief People Officer or designee. Rehabilitation agreements will not be offered to employees who voluntarily acknowledge and/or test positive for illegal drugs.
- 4.15.2 Employees offered the opportunity to participate in a rehabilitation agreement will be referred to Texas Health's Employee Assistance Program (EAP) and, if applicable, the Texas Peer Assistance Program for Nurses (TPAPN) and/or Texas Professional Recovery Network (PRN) for Pharmacists.
- 4.15.3 Employees offered the opportunity to participate in a rehabilitation agreement must comply with all terms of the agreement and treatment guidelines or the employee will be involuntarily separated.
- 4.15.4 Employees participating in a rehabilitation agreement will be subject to unannounced drug/alcohol testing at their own expense.
- 4.15.5 Any Final Candidate who is currently under a TPAPN, PRN or similar agency's rehabilitation agreement, and is offered a position at Texas Health, must be hired under a Texas Health rehabilitation agreement.

4.16 Nothing in this policy should be construed to restrict an employee's protective rights under the Americans with Disabilities Act, or other state or federal laws.

4.17 Exceptions

4.17.1 Exceptions outside these guidelines must be approved in advance by the Chief People Officer.

5.0 Definitions:

5.1 Base Pay - The employee's hourly pay rate multiplied by the number of standard hours per week the employee is classified to work in the Human Resources system multiplied by fifty-two (52) weeks in a year. Base Pay does not include shift differentials, bonuses, overtime, commissions, incentives, or any pay element other than base rate.

5.2 Care Team Members - All employees, volunteers, and individuals who collaborate in providing Texas Health products and services to our consumers.

5.3 Final Candidate - A person who interviewed for a position and received a contingent job offer.

5.4 Fitness for Duty - An employee's ability to perform the essential functions of their assigned job.

5.5 Medical Marijuana - Marijuana used to treat certain illness as authorized by prescription from a Physician. Although medical marijuana is legal in some states, it is illegal in the state of Texas, therefore, the use of medical marijuana even with a prescription is not allowed under this policy.

5.6 Minor - Anyone under eighteen (18) years of age who does not meet the following criteria: is pregnant, is living away from their parents and supports them self or is currently a parent.

5.7 Reasonable Suspicion - Acute or non-acute behavioral changes or characteristics which lead to the suspicion of intoxication, or impairment. Examples of acute behavioral changes or characteristics include, but not limited to: dilated or constricted pupils, red eyes, slurred speech, tremors, hyperactivity, unsteady gait, lack of motor coordination, drowsiness, fainting or blackouts, flushed complexion, disorientation, hallucination, the odor of alcohol, unconsciousness, and/or inappropriate responses and action.

Examples of non-acute behavioral changes which may indicate impairment include but are not limited to significant changes in the following: quality or quantity of work, increased tardiness or absenteeism, disappearance from the workplace, errors of judgment or mistakes, documentation discrepancies in

Policy Name: Drug Free Workplace

Page 8 of 8

medication utilization or wastage, personal appearance, cooperation or interaction with co-workers, mood swings, and/or energy level.

- 5.8 Volunteer Candidate - An individual who has applied for a volunteer opportunity and has received a contingent volunteer offer to perform hours of service for an organization, without promise or coercion, expectation or receipt of compensation for services rendered.

6.0 Responsible Parties:

6.1 Entity Human Resources Officer

- 6.1.1 Implementation and oversight of the policy is the responsibility of the Entity Human Resources Officer.

7.0 External References:

Not Applicable

8.0 Related Documentation and/or Attachments:

- 8.1 [Background Check - THR System Policy](#)
- 8.2 [Employee Transfer - THR System Policy](#)
- 8.3 [Employment Eligibility - THR System Policy](#)
- 8.4 [Fitness for Duty - THR System Policy](#)
- 8.5 [Leave of Absence \(LOA\) - THR System Policy](#)
- 8.6 [Personal Conduct - THR System Policy](#)
- 8.7 [Reasonable Accommodation - THR System Policy](#)
- 8.8 Rehabilitation Agreement
- 8.9 [Safe Workplace - THR System Policy](#)

9.0 Required Statements:

Not Applicable