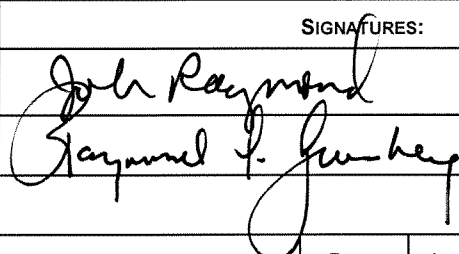


**MEDICAL UNIVERSITY OF SOUTH CAROLINA
OFFICE OF ACADEMIC AFFAIRS AND PROVOST
POLICY MEMORANDUM**

		MEMORANDUM ID:	AA-2004-002-SUBSTANCE ABUSE
TITLE:	DRUG-FREE WORKPLACE		
ORIGINATOR:	JOHN R. RAYMOND, M.D.	DATE:	
REVIEWED/APPROVED:	DATE:	SIGNATURES:	
DEANS' COUNCIL	12/20/04		
PRESIDENT'S COUNCIL	1/19/04		
PRESIDENT	2/1/04		
IMPLEMENTATION:	OFFICE OF ACADEMIC AFFAIRS	DATE:	IMMEDIATELY UPON APPROVAL
DISTRIBUTION:	MUSC AND AFFILIATED OPERATIONS		

I. RATIONALE:

The purpose of this policy is to establish and maintain a drug-free workplace at the Medical University of South Carolina (MUSC) and its affiliates (i.e., the MUH Authority; University Medical Associates; Carolina Family Care; Foundation for Research Development; Health Sciences Foundation; all hereinafter referred to as "MUSC"). Methods used to achieve this purpose include education, intervention, rehabilitation, and disciplinary action. MUSC intends to maintain a substance free workplace. Individuals impaired by the use of alcohol and drugs are harmful to themselves, the University's mission, the treatment of patients, their job performance and the well being of co-workers, students, and visitors. MUSC believes drug and alcohol abuse is preventable and treatable. MUSC recognizes that health care professionals who are treated and monitored over the course of their rehabilitation for addiction have excellent outcomes, and the majority remain valuable providers of health care. The University adheres to the provisions of the Drug-Free Workplace Act of 1988. Individuals are expected and required to report for work, and to perform assigned duties, in a condition free from the effects of alcohol and drugs.

This policy shall apply to the following individuals: faculty (see Definitions, page 7); staff (classified and non-classified); volunteers; residents (see Definitions, page 7); sub-specialty residents (fellows); post-doctoral fellows; and clinical associates (all categories hereinafter referred to as "individuals"). All MUSC students, and all visiting students (externs), will adhere to the MUSC Board of Trustees Policies and Procedures, Student Policy for Alcohol and Other Drug Abuse Prevention and Intervention. All outside contractors conducting business or providing services on the MUSC campus will be required to maintain and enforce a drug-free workplace policy applicable to their employees. Contract employees with alleged violations of the MUSC policy will be referred to the contracting agency for appropriate action.

II. RESPONSIBILITIES OF UNIVERSITY:

The Medical University of South Carolina prohibits the unlawful possession, use, distribution, dispensation, or manufacture of alcohol or illegal drugs on MUSC property or at MUSC sponsored activities. Any individual, who is convicted, pleads guilty or nolo contendere, or otherwise violates this policy will be subject to disciplinary action up to and including termination.

The use, sale, purchase, transfer, theft, or possession of an illegal drug (see Definitions, page 7) is a violation of law. Similarly, individuals carrying out their responsibilities on the MUSC campus under the influence of alcohol, are in violation of MUSC policy and, therefore, subject to disciplinary action. The Medical University of South Carolina will refer such illegal drug activities and alcohol abuse to law enforcement, licensing, and credentialing agencies when appropriate, and as required by law. When appropriate, the Medical University of South Carolina will encourage physicians, nurses, pharmacists, dentists and other licensed health care professionals to self-report to the Recovering Professionals Program (RPP). The RPP is the division of the South Carolina Department of Labor,

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Licensing, and Regulation that is responsible for evaluating, recommending treatment and monitoring outcomes of health care providers licensed by the State of South Carolina.

MUSC respects the right to confidentiality of recovering individuals and will assist them to continue their education and employment. However, MUSC also respects the rights of patients, visitors, students, employees, etc., and seeks to protect them from the harm that impaired individuals may cause.

MUSC encourages all individuals to seek help voluntarily and favors the earliest possible intervention. MUSC favors a treatment program that is separate from the disciplinary process and will make treatment and referral services available. MUSC is not obligated to pay for rehabilitation services. Financial responsibility will lie with the individual who chooses to participate in a rehabilitation program.

III. RESPONSIBILITIES OF INDIVIDUAL:

Any individual aware of substance abuse by another individual in the workplace is expected to report this information to their immediate supervisor or the Department of Human Resources. This information will then be relayed to the individual's supervisor. The supervisor will be required to monitor the suspected individual's behavior closely and to take appropriate actions (see Section I, Voluntary Intervention and Section II, Mandatory Intervention) when necessary. For residents and sub-specialty residents, the supervisor is the attending faculty or the Program Director. The attending faculty or Program Director must report substance abuse to the departmental Program Director (Chair of the Department).

Any individual taking prescribed medication should inquire as to whether the medication could impair their ability to safely perform their job functions. If the medication could have an impairing effect, the individual should notify his or her supervisor of the potential impairment and its expected duration. This requirement is intended to prevent individuals from endangering themselves or others.

Any criminal drug violation by an individual whose salary is funded through a federal grant or contract must be reported to the contractor or grantee in accordance with the 1988 Drug-Free Workplace Act. A report of conviction must be made in writing by an individual within five calendar days of the conviction to their respective Department Head, Dean, or to the Vice President of Academic Affairs & Provost. The funding agency will be notified by the appropriate administrator within ten days after receiving notice from the employee.

Any individual suspended or terminated due to substance abuse must be disciplined in accordance with MUSC's policies and procedures.

IV. INTERVENTION:

The Medical University of South Carolina is committed to maintaining a safe and healthy campus, free from the detriments of workplace substance abuse. MUSC believes that intervention is a key element to maintaining a safe and healthy workplace. Intervention can either be voluntary or mandatory. Voluntary intervention is an agreement by the individual to seek or enter a rehabilitation program for substance abuse treatment (see Section I below). Mandatory intervention occurs when there is reasonable evidence to indicate impairment or diversion of controlled substances in the workplace (see Section II below). The individual under suspicion may be asked to submit to a "for cause" screen. If the individual refuses, the individual will be subject to disciplinary action up to and including termination.

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Managers and supervisors will receive an initial orientation of the Drug Free Workplace Prevention Policy and Procedures. Instruction will be provided on identifying individuals with possible alcohol or drug abuse, confrontation, and referral to an appropriate rehabilitation program. Managers and supervisors are responsible for documenting incidents and efforts to confront the behavior.

A. Voluntary Intervention

1. The Medical University of South Carolina encourages individuals having a substance abuse problem to obtain appropriate rehabilitation services to ensure MUSC is drug free. Certain rehabilitation services are available. These rehabilitation services include the Employee Assistance Program (EAP), the South Carolina Vocational Rehabilitation Department, and the Center for Drug and Alcohol Programs (CDAP). Additionally, individuals can seek outside professional rehabilitation services and may refer to their health insurance for approved sites. Outside rehabilitation programs must be approved by an EAP therapist and/or the EAP Director to ensure the program meets appropriate treatment guidelines. If an individual's job performance is satisfactory, their position may not be jeopardized if the individual seeks assistance with an approved program prior to any violation of policy or law and disciplinary action. All requests and/or actions are strictly confidential to the extent possible.

2. The following provisions apply to any individual who is confronted (see Mandatory Intervention, below) and voluntarily admits to having a chemical dependency problem. Supervisors are reminded to inquire whether the individual in question could be taking prescribed medication which could impair their ability to safely perform their job functions.
 - The Director of Human Resources will be notified. If the Director of Human Resources is absent, the Assistant Director of Human Resources must be notified.
 - For residents and sub-specialty residents, the Departmental Chair must be informed, and the Director of the appropriate residency program will also be notified.
 - The individual will be removed from the work area.
 - The individual must attend a rehabilitation program. Outside rehabilitation programs must be approved by an EAP therapist and/or the EAP Director to ensure the program meets appropriate treatment guidelines.
 - MUSC does not assume financial responsibility for the payment of rehabilitation services. The individual is responsible for payment for participation in a rehabilitation program.
 - The individual must notify the Director of the EAP of the rehabilitation program in which they are enrolled. The Director of the EAP may periodically verify enrollment.
 - When appropriate, the EAP will suggest to licensed health care professionals that they self-report to RPP (see Section II, Responsibilities of University).

3. Any individual, who elects to voluntarily participate in a rehabilitation program, must comply with the treatment and rehabilitation requirements set forth below.
 - The individual is responsible for paying for participation in a rehabilitation program. MUSC does not assume financial responsibility for the payment of rehabilitation services.
 - The individual must satisfactorily participate in a rehabilitation program.
 - The Employee Assistance Program will help monitor the individual to ensure rehabilitation requirements are satisfactorily met.

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- MUSC reserves the right to periodically perform unannounced “for cause” screening on individuals participating in a drug rehabilitation program. Such testing may include breath-alcohol screening, blood-alcohol testing, bodily fluids analysis, hair follicle analysis, and urinalysis.
- The individual must remain substance free after completing a rehabilitation program. The individual will be subject to unannounced “for cause” screening for a minimum of two years following the completion of a drug rehabilitation program. The appropriate Dean or the President may choose to extend the period for greater than two years depending on the circumstances. The decision to extend the unannounced “for cause” screening beyond two years must be communicated to the individual and the Human Resources Department in writing.

Failure to comply with these requirements will result in disciplinary action up to and including termination.

Sick and annual leave may be granted in accordance with policy for the purpose of participating in public or private treatment programs. For additional information, refer to the Medical University’s Annual Leave Policy (No.18), Leave of Absence-Without Pay (No. 20), Sick Leave Policy (No.19) and the Employee Assistance Program Policy (No.36).

4. Any individual, who admits to having a substance abuse problem and chooses not to enroll in a rehabilitation program, will be subject to disciplinary action up to and including termination.

B. Mandatory Intervention

1. Should an individual demonstrate impairment on the job, or if there is evidence that an individual may be impaired, the observer of such an incident should immediately notify the individual’s supervisor. The supervisor should also be notified when there is evidence of an occurrence of a diversion. The supervisor and at least one other individual should witness and document the individual’s behavior.
2. The supervisor should contact Internal Audit upon suspicion of a drug diversion. Additionally, supervisors can call Internal Audit for assistance and support for matters relating to a drug diversion.
3. Supervisors must confront individuals who appear to be in an impaired condition on the job. Supervisors are reminded to inquire whether the individual in question could be taking prescribed medication, which could impair their ability to safely perform their job functions. Supervisors should also confront individuals upon the occurrence of a diversion. An individual may be asked by the supervisor to voluntarily submit to a “for cause” screen to determine whether he or she is under the influence of alcohol or drugs. These types of tests include breath-alcohol screening, blood-alcohol testing, bodily fluids analysis, hair follicle analysis, and urinalysis. The following behaviors can be used as the basis of a “for cause” screen:
 - Observable phenomena, such as direct observation of illegal drug use or possession;
 - Excessive tardiness or absenteeism;
 - Performance deviations;
 - Scent of alcohol, regardless of the source of odor;
 - Physical symptoms of being under the influence of drugs or alcohol (i.e., glazed expressions, dilated pupils, red eyes, or nosebleeds);

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- A pattern of abnormal, erratic, or unusual behavior during working hours;
 - Information provided either by reliable and credible sources, or independently corroborated, which suggests on duty impairment from drugs or alcohol;
 - Evidence indicating that the individual tampered with a previous drug or alcohol test or;
 - Evidence indicating that a diversion of controlled substances may have occurred.
4. During regular working hours (8:30am-4:30 pm) the supervisor is to notify Employee Health Services that the individual must be tested for drugs or alcohol. The supervisor should then escort the individual to Employee Health Service where an appropriate specimen will be obtained by the contracting drug testing facility. After regular working hours, and on weekends or holidays, MUHA's Emergency Services should be notified. The supervisor should then escort the individual to Emergency Services for testing.
 5. For resident and sub-specialty residents, the Program Director or the highest ranking Departmental faculty person will be notified before or immediately after Employee Health Services (or MUHA's Emergency Services) has been notified. The Program Director will be notified as soon as possible. After regular working hours, and on weekends or holidays, the Program Director will be notified as soon as possible.
 6. After an individual is confronted for alcohol or drugs they can either refuse or voluntarily submit (see Section A, Voluntary Intervention, above) to a "for cause" screening. If the individual refuses to submit to a "for cause" screening, they will be subject to disciplinary action up to and including termination.
 7. Once a "for cause" screening is complete, arrangements should be made for the individual to get home safely. The individual should not be allowed to operate a motor vehicle. Therefore, the supervisor may arrange for the individual's family to provide transportation, call a taxi, or have MUSC's Department of Public Safety provide assistance. If an individual becomes unruly or leaves the location before transportation arrangements are made, Public Safety should be notified. Additionally, supervisors at off-campus sites should also seek assistance in dealing with an individual who becomes unruly or leaves the location before transportation arrangements are made. This includes contacting the police, if necessary. Only law enforcement personnel are authorized to detain a suspect through physical means.

Appropriate disciplinary actions will be taken once the individual returns to work. For further information, refer to paragraph 11 (below).
 8. If an individual voluntarily submits to a drug or alcohol test and the test results are positive, the following actions will be taken. These actions may not be all inclusive.
 - The individual and supervisor will be notified of the test results.
 - For residents and sub-specialty residents, the Program Director will also be notified of the test results.
 - The supervisor should contact the Director of Human Resources for counsel and advice. If the Director is absent, the Assistant Director of Human Resources must be notified.
 - If the test is positive, the supervisor should explain to the individual that they have the right to voluntarily seek professional help.

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- If the individual refuses to enroll in the rehabilitation services offered at MUSC or an outside agency, the individual will be subject to disciplinary action up to and including termination.
 - Positive drug or alcohol test results of individuals who hold any professional licenses will be reported to the appropriate professional board as well as the disposition (i.e., whether or not the individual has entered a rehabilitation program).
9. Costs associated with an initial "for cause" screen will be the responsibility of MUSC. However, any costs incurred for any subsequent tests will be the responsibility of the individual being tested.
 10. The individual has the right to request the retained portion of a confirmed positive sample to be re-tested, only if there is a portion suitable for re-testing. The requesting individual must pay for the re-test up front and the test must be done at a properly certified lab. If the retained portion of a confirmed positive sample comes back negative, the individual may be reimbursed. This written request for re-testing must be provided to the supervisor within three days. During the re-testing period there will be no change in the individual's employment.
 11. The supervisor will be responsible for determining if or when the individual can return to work and their pay status during their suspension or leave from the workplace. For classified and unclassified staff, supervisors should consult with the Director of Human Resources or, if absent, the Assistant Director of Human Resources, to determine if or when the staff member can return to work and their pay status during the suspension or leave from the workplace. For residents and sub-specialty residents, the Program Director will be responsible for determining if or when the individual can return to work and their pay status during their suspension or leave from the workplace. Any leave of absence must comply with MUSC's policies and procedures.
 12. A post accident drug screen may be required at the discretion of the supervisor when an employee apparently caused or played a part in causing an on the job accident or safety related incident resulting in the following:
 - Lost time from work;
 - Serious injury to themselves or others requiring medical attention;
 - Fatality;
 - Significant damage to property;
 - The hospitalization of one or more persons;
 - If the supervisor suspects the individual may be under the influence of drugs or alcohol.
 13. Individuals asked to submit to a "for cause" or post accident screen will be immediately removed from the workplace until the screen results are available. Once screen results are available, the supervisor will notify the individual within twenty-four hours of the results and pending actions. Leave status will be in accordance with MUSC policies and procedures. Any leave of absence must comply with MUSC's policies and procedures. If an individual is removed from the workplace in a not for pay status and the screen results are negative, the individual will be paid retroactively. If the screen results come back positive, the individual will not be paid.

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14. If the screen is negative, the individual may be reinstated into their current job at the discretion of the supervisor or Dean of the respective College (see paragraph 13, above) The supervisor should seek counsel and advice from the Department of Human Resources. If the screen is positive, the individual will be subject to disciplinary action up to and including termination.

V. DEFINITIONS:

- A. *Faculty* — refers to all individuals, regardless of compensation or tenure status; holding full- or part-time appointments; permanent or temporary; and will include adjunct, clinical, research, emeritus, or visiting.
- B. *Staff* — Professional and administrative personnel, other than faculty, with duties and responsibilities that support the mission and administration of MUSC. Staff includes full-time and part-time classified, research grant and temporary employees, as well as unclassified administrators.
- C. *Resident* — refers to individuals typically in a clinical post-doctoral training program e.g., Dentistry, Medicine, or Pharmacy; also includes individuals completing administrative residency programs on the campus.
- D. *Illegal Drug* — refers to any drug, chemical, substance or plant/animal material, which is classified by the Drug Enforcement Administration (DEA) as a controlled substance with a classification of C-I, C-II, C-III, C-IV, or C-V. In the event the drug is a controlled substance, which is a prescribed drug in the United States, “illegal” shall mean that the drug was not prescribed to the individual under the influence of said drug or who was in possession of said drug.

NOTE: THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA (MUSC). MUSC RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

ACCESS:

Academic Affairs Policy AA-2004-002-Substance Abuse will be available from the Office of the Vice President for Academic Affairs & Provost. It will be distributed digitally and by hardcopy to all units reporting to the Provost, and be maintained on the Office of Academic Affairs website www.musc.edu/Academic/. The Vice President for Academic Affairs and Provost, or a designee, will be responsible for monitoring and maintaining the policy. This policy will be reviewed for revision every three years. This memorandum is a public document and has no restriction on its distribution.