

PATIENT RESTRICTED

Coalinga State Hospital

OPERATING MANUAL

SECTION - HUMAN RESOURCES
ADMINISTRATIVE DIRECTIVE NO. 934
(Replaces AD 934 dated 1/19/06)

Effective Date: December 7, 2006

SUBJECT: SUBSTANCE ABUSE TESTING (INCLUDING EMPLOYEES IN SENSITIVE POSITIONS)

I. PURPOSE

It is the purpose of this Administrative Directive to help ensure that the workplace is free from the effects of drug and alcohol abuse, with due regard for confidentiality, constitutional rights, and the health and safety of individuals employed by Coalinga State Hospital (CSH).

II. AUTHORITY

By order of the Deputy Director of the Division of State Hospitals, Department of Mental Health, and in accordance with California Government Code Section 19253.5, 19570 and 19572; and Department of Personnel Administration Article 29, Rules 599.960 - 599.966.

III. POLICY

State employees are prohibited from being under the influence of drugs and/or alcohol while on duty. Those state employee in positions designated as sensitive may be tested for drugs and/or alcohol when there is reasonable suspicion that they are under the influence while on duty.

IV. METHOD

Managers and supervisors are responsible to implement this directive when there is reasonable suspicion that an employee is actually under the influence of drugs or alcohol. Reasonable suspicion is a good faith belief, based on (articulated) facts or evidence that an employee may be in violation of policy. "Good faith" means that determinations of reasonable suspicion are made without improper motives, such as discrimination, reprisal, or personal animosity.

Some employees may be required to use prescribed medication on the job while under a physician's care; however, at no time should the use of prescribed medication hinder the employee's ability to perform the duties of their job. Possession or sale of illegal or restricted drugs or medications is prohibited, is a criminal offense, and can result in the filing of criminal charges. Any violation involving the possession or sale of these substances is cause for adverse action.

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All state employees are subject to the provisions of Government Code Section 19253.5 and State Personnel Board Rule 172.3, and may be required to submit to a medical evaluation to determine their capacity to perform the duties of their job. Nothing in this directive shall preclude the hospital from following the above referenced codes in determining the fitness for duty of a state employee in a position designated as sensitive.

The Executive Director, who is the Appointing Power, or his designee, are the only persons who can authorize mandatory drug testing.

The Executive Director has appointed the Medical Director as designee. After-hours, the Medical Officer of the Day (MOD) is the designee. In the absence of the Medical Director during regular working hours, this responsibility reverts back to the Executive Director.

The Medical Review Officer (MRO) function, for the purposes of reasonable suspicion testing, is contracted with Department of Personnel Administration (DPA) and shall fulfill that function in accordance with DPA rules.

V. MANAGER AND SUPERVISOR RESPONSIBILITIES

- A. Anyone observing an employee appearing to be under the influence of drugs or alcohol while on duty shall report this immediately to their supervisor or the employee's supervisor. All supervisors and managers shall be trained in reasonable suspicion substance abuse testing.
- B. Designated supervisors, upon notification or observation, shall:
 - 1. Immediately notify the hospital's designee (Executive Director, Medical Director or MOD) of the situation and suspicion the employee may be under the influence of drugs or alcohol. Inform the designee of your location upon their arrival at the hospital.
 - 2. Request that the employee accompany the supervisor to a private quiet area when possible. Maintain as much privacy and confidentiality possible throughout the process.
 - 3. Be direct, factual, firm, calm and professional. Let the employee know you are concerned about their ability to perform his/her duties safely based on your observations. Listen to what the employee has to say and consider it in reaching a decision.
 - 4. Inform the employee of the state's substance abuse testing policy.
 - 5. Complete ongoing documentation of the observations throughout the entire process.

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- C. The supervisor shall wait, with the employee, at the agreed location for the Executive Director or designee to arrive at the hospital.
- D. The Executive Director or Executive Officer of the Day (EOD) must confirm the supervisor's observations before referring the employee for substance testing. This review will be done on-site so the designee can personally observe the employee, document their findings.

VI. REFERRAL FOR SUBSTANCE ABUSE TESTING

The Executive Director, Medical Director, or MOD are the only person(s) who can authorize a reasonable suspicion drug test.

- A. Once the Executive Director, Medical Director, or MOD has determined there is sufficient reason to order a reasonable suspicion drug test, they have the responsibility to contact the contracted collection site, located off hospital grounds to schedule an appointment for the urine specimen collection for a reasonable suspicion drug test.

The telephone numbers and location of the contracted labs and any required forms shall be kept by the Nurse Of the Day. During normal business hours, the Medical Director will also contact Motor Pool in Plant Operations and authorize use of a state vehicle to transport the employee to the collection site.

- B. Inform the employee that a decision has been reached and approval received to send them for a substance abuse test.
- C. Explain the collection process to the employee. If the need for testing occurs, the employee will be transported to a collection site in the community.
- D. If the employee refuses to go to the collection site and provide a urine sample, inform the employee they are subject to adverse action up to and including dismissal in accordance with Government Code Section 19570.
- E. If the employee is abusive, threatening, or disruptive, seek the assistance of Hospital Police Services.
- F. Escorting Employee to the Sample Collection Site:
 - 1. The employee shall be escorted to the sample collection site under supervision of the designated supervisor and at least one other employee. Do not allow the employee to go alone. The escorts should remain in the collection site until the collection process is complete.

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2. During normal business hours (8:00 a.m. to 5:00 p.m.) the Executive Director or Medical Director will authorize use of a state vehicle through the Motor Pool Department. The designated supervisor and one other employee will transport the employee to be tested to the contracted collection site.

After-hours, the MOD will contact the contracted lab and follow procedures as noted above to transport the employee to the collection site. Transportation will be coordinated through the Department of Police Services with the approval of the EOD/MOD.

3. The Medical Director or MOD is required to sign two (2) forms that will be given to the technician performing the collection, the DPA 177 State Drug/Alcohol Test Authorization Form and Forensic Drug Testing Custody and Control Form. The signature indicates authorization of the urine collection and drug testing.
4. The contracted collection sites follow state and federal guidelines for sample collection and testing. They shall ensure the chain of custody procedures is followed and that the urine sample is sent to the contracted lab for analysis.
5. A confirming test will be done on all positive initial urine screens by the contracted lab.

VII. AFTER THE SUBSTANCE ABUSE TESTING

- A. Because the test referral was predicated on reasonable suspicion that the employee was under the influence, the supervisor shall send the employee home using appropriate leave. The employee should not be charged leave credits or docked for the period of time they were involved in the collection process. Administrative leave is not appropriate for this situation, unless authorized.
- B. An employee suspected of being under the influence shall not be allowed to drive or leave the grounds without an escort. A relative, acquaintance, or public conveyance (at employee's expense) shall be utilized to transport the employee to a safe location. If the employee refuses to be transported, Department of Police Services Dispatch will be contacted for officer assistance.
- C. Inform the employee of the expectation they will return to work for the next regularly scheduled work shift fit for duty.

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- D. Written documentation shall be prepared by the supervisor or individual acting in that capacity, Executive Director, Medical Director or MOD, and all other relevant witnesses to the incident on a timely basis. This documentation shall include the employee's appearance and reasons for suspecting intoxication/substance abuse. The supervisor should note any relevant statements made by the employee during the testing process and document accordingly.
- E. If a formal supervisor referral to the Employee Assistance Program (EAP) has not been made prior to this incident, the supervisor should make a formal supervisor referral to EAP immediately.

VIII. THE MEDICAL REVIEW PROCESS

- A. The MRO function for purposes of Reasonable Suspicion testing is contracted through DPA and shall fulfill that function in accordance with DPA rules.
- B. The MRO will review the laboratory report and Chain of Custody materials to ensure that the technical testing standards in the state and/or federal rules have been met. Any irregularities will be brought to the immediate attention of the state agency program coordinator at DPA.
- C. The MRO will then review the test results and any related information and contact the employee to conduct an interview (usually by phone). The purpose of the interview is to allow the employee to present medical information to the MRO and for the MRO to ask any questions they may have. The MRO will ask the employee if he/she has taken any medications or other substances and ask the employee to provide substantiation for any prescribed medications.
- D. Based on the information provided by the employee, the MRO will determine if the positive result was caused by a legitimate medication or substance. If the employee cannot be reached for an interview, the MRO will proceed without it.
- E. The MRO will contact the state agency representative with the conclusions.

IX. ADMINISTRATIVE REVIEW

- A. There will be a case-by-case determination made by hospital management staff concerning what action to take in response to the employee's substance abuse infraction. This decision will involve the Program Director or Department Head, the Medical Director, Clinical Administrator, and the Personnel Officer.
 - 1. The hospital may provide for a follow-up program of monitoring, counseling, and repeat testing. Options may include one or a combination of a referral to EAP, rehabilitation, adverse action, and medical review action.

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2. The action(s) will be selected upon consideration of the employee's past work performance record, the nature of the incident that led to the employee being sent for a substance test, and the employee's potential to once again perform effectively in a sensitive position.
- B. The confidential nature of medical records of employees related to drug and alcohol testing shall be preserved in the same manner as all other medical records. The records shall be maintained in a separate confidential locked file cabinet located in the Occupational Health Clinic.
1. All records related to the collection process and the reports of employees not passing a drug test shall be retained for five years. Under no circumstances shall they be discarded before the final termination of an appeal process.
 2. All records related to the collection process and the reports of employees passing a drug test shall be retained for one year.
 3. Records and any other information pertaining to an employee's drug or alcohol test shall be considered confidential and shall be released only to:
 - a. The employee who was tested or any individuals designed in writing by that employee.
 - b. The contracted MRO (Substance Abuse).
 - c. DPA as needed for the effective administration of the Article.
 - d. Individuals who need the records or information to:
 - i. Properly supervise or assign the employee.
 - ii. Determine, or assist in determining, what action the designee should take in response to the test results.
 - iii. Respond to appeals or litigation arising from the drug test or related actions.



W. T. VOSS
Executive Director

Attachment A - Sensitive Positions List

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DEPARTMENT OF MENTAL HEALTH SENSITIVE POSITIONS As of January 2006

| <u>TITLE</u> | <u>CLASS CODE</u> |
|---|-------------------|
| Assistant Coordinator of Nursing Services | 8132 |
| Automobile Mechanic | 6851 |
| Automobile Mechanic, Lead | 6850 |
| Automotive Equipment Operator I, DMH & DS | 6386 |
| Automotive Equipment Operator II, | 6391 |
| Building Maintenance Worker | 6215 |
| Behavior Specialist I | 9823 |
| Behavior Specialist II | 9824 |
| Carpenter I | 6476 |
| Carpenter II | 6475 |
| Carpenter Supervisor | 6470 |
| Chief Dentist, CF | 9344 |
| Chief Engineer I | 6698 |
| Chief Physician & Surgeon, CF | 9267 |
| Chief of Professional Education | 7600 |
| Clinical Laboratory Technologist | 7928 |
| Clinical Laboratory Technologist, Senior | 7926 |
| Clinical Psychology Intern | 9851 |
| Cook Specialist II | 2184 |
| Dental Assistant (Safety) | 7914 |
| Dental Hygienist (Safety) | 8131 |
| Dental Laboratory Technician | 7908 |
| Dentist, DMH & DS | 7655 |
| Electrician Apprentice | 6536 |
| Electrician I | 6533 |
| Electrician II | 6532 |
| Electroencephalographic Technician | 7986 |
| Fire Chief | 8977 |
| Fire Fighter | 8979 |
| Food Services Supervisor I | 2258 |
| Food Services Supervisor II | 2256 |
| Fusion Welder | 6596 |
| Groundskeeper | 0731 |
| Groundskeeper, Lead | 0725 |
| Groundskeeper II, Supervising | 0717 |
| Health Services Specialist (Safety) | 9699 |
| Heavy Equipment Mechanic | 6834 |
| Hospital Police Officer | 1937 |
| Hospital Police Sergeant | 1936 |
| Hospital Police Lieutenant | 1935 |
| Chief, Protective Services & Security | 1934 |

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| Hospital Worker | 8141 |
| Laborer | 6223 |
| Licensed Vocational Nurse (Safety) | 8274 |
| Locksmith I | 6642 |
| Mason I | 6616 |
| Maintenance Mechanic | 6940 |
| Materials & Stores Specialist | 1506 |
| Materials & Stores Supervisor | 1503 |
| Medical Director SH/DC | 7577 |
| Medical Director SH/DC, CEA | 7594 |
| Medical Resident | 7570 |
| Nurse Instructor | 8154 |
| Nurse Practitioner (Safety) | 9700 |
| Nursing Coordinator (Safety) | 8101 |
| Nursing Treatment Specialist | 8157 |
| Painter I | 6526 |
| Painter II | 6525 |
| Pathologist | 7653 |
| Pharmacy Technician, DMH & DS | 7658 |
| Pharmacist I, DMH & DS | 7659 |
| Pharmacist II | 7981 |
| Pharmacy Services Manager | 7996 |
| Physical Therapist | 8315 |
| Physician/Surgeon (Safety) | 7552 |
| Podiatrist, DMH & DS | 7657 |
| Pre-Licensed Psychiatric Technician (Safety) | 8254 |
| Pre-Licensed Registered Nurse | 8170 |
| Program Assistant (Mental Disabilities-Safety) | 8102 |
| Program Director-Medical (Forensic Facility) | 9698 |
| Program Director (Mental Disabilities-Safety) | 8103 |
| Psychiatric Nursing Education Director | 8155 |
| Psychiatric Social Worker, HF - Safety | 9869 |
| Psychiatric Technician Trainee Candidate | 8237 |
| Psychiatric Technician Trainee (Safety) | 8238 |
| Psychiatric Technician, Safety | 8253 |
| Psychiatric Technician, Apprentice | 8229 |
| Psychiatric Technician, Instructor | 8226 |
| Psychiatric Technician, Student | 8242 |
| Psychologist, HF-Clinical-Safety | 9873 |
| Psychology Associate | 9850 |
| Psychology Internship Director | 9842 |
| Public Health Nurse I, | 8213 |
| Public Health Nurse II, | 8210 |
| Radiologic Technologist (Safety) | 7992 |
| Registered Nurse, Range A & B, Safety | 8094 |
| Rehabilitation Therapist, State Hospital, Art | 8420 |
| Rehabilitation Therapist, State Hospital, Dance | 8422 |
| Rehabilitation Therapist, State Hospital, Music | 8321 |

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| Rehabilitation Therapist, State Hospital, Occupational | 8323 |
| Rehabilitation Therapist, State Hospital, Recreation | 8324 |
| Respiratory Care Practitioner, DMH & DDS | 8300 |
| Senior Clinical Laboratory Technologist (Safety) | 7926 |
| Senior Psychiatric Technician (Safety) | 8252 |
| Senior Psychologist HF – Specialist | 9839 |
| Senior Radiologic Technologist (Specialist) | 7987 |
| Senior Telephone Operator | 1638 |
| Sheet Metal Worker | 6584 |
| Staff Psychiatrist, Safety | 7619 |
| Stationary Engineer | 6712 |
| Stationary Engineer, Apprentice | 6717 |
| Steamfitter | 6558 |
| Supervising Clinical Laboratory Technologist, Safety | 7923 |
| Supervising Cook I | 2181 |
| Supervising Registered Nurse (Safety) | 8096 |
| Telephone Operator | 1635 |
| Unit Supervisor (Safety) | 8104 |
| Warehouse Manager I | 1501 |
| Warehouse Worker | 6220 |