DRUG DETECTION AND DETERRENCE POLICY

PURPOSE

The purpose of this policy is to:

- Set standards for the implementation of Drug Testing programs in employment;
- Ensure that Drug Test procedures are implemented in a manner that is fair to applicants, employees, and Trainees to achieve reliable results;
- Encourage supervisors to provide employees who have drug-abuse problems an opportunity for assessment and rehabilitation; and
- Promote a safe, healthy, and productive work and hospital environment.

POLICY STATEMENT

It is the policy of The University of Texas MD Anderson Cancer Center (MD Anderson) to provide a safe workplace for the MD Anderson community, and to protect the public’s safety and ensure their trust in MD Anderson. Therefore, MD Anderson cannot condone the following behavior by employees, Trainees, or applicants:

- Sale, purchase, transfer, use, or possession of illegal drugs or prescription drugs obtained illegally.
- Abuse of legal (prescription or over-the-counter) drugs or alcohol.
- Arrival for work or education under the influence of illegal drugs or alcohol.
- Arrival for work or education under the influence of legal drugs to the extent that there is an adverse effect on job or academic performance.

The consequences of a positive test include:

- Removal of the offer of employment or appointment;
- Discontinuance of the employment or appointment process; and
- Ineligibility for hire or appointment for six (6) months.

An applicant from one of the licensed professions who has a confirmed Positive Drug Test presents MD Anderson with a special ethical and legal issue. MD Anderson has an obligation to report the results of such a Drug Test to the applicant’s licensing board. An employee/Trainee removed from duty under the Fitness for Duty Policy (UTMDACC Institutional Policy # ADM0274) may be referred for laboratory testing for the presence of illegal drugs or alcohol in the body.
As a world leader in the prevention of cancer, MD Anderson supports and encourages a healthy workforce by also requiring that all Post-Offer Applicants and Covered Trainees be tobacco-free at the time of hire/appointment.

MD Anderson is willing to assist employees/Trainees who acknowledge that they have a substance abuse problem by providing assessment and referral to the Employee Assistance Program (EAP).

The decision to seek diagnosis and accept medical assistance for substance abuse is the responsibility of the individual. Should the employee/Trainee choose treatment, MD Anderson offers confidential assistance through the EAP (see Employee Assistance Program Policy (UTMDACC Institutional Policy # ADM0275)). The employee’s/Trainee’s performance is the basis for continued employment/appointment; participation in a treatment or rehabilitation program does not guarantee continued employment.

Although MD Anderson is willing to assist employees/Trainees in overcoming drug or alcohol addictions, illegal drug related activities on MD Anderson’s property or while on company business constitute misconduct and are subject to discipline up to and including termination of employment/appointment.

**SCOPE**

This policy applies to all Post-Offer Applicants to include faculty, administrative staff, classified employees, and Covered Trainees, as defined herein.

Employees whose positions are subject to the provisions of state and federal mandates (i.e., the Texas Motor Carrier Safety Regulations, Sections 391.81 - 391.123; the Department of Transportation (DOT), Title 49 CFR, Section 382) have additional testing requirements. Procedures for DOT testing are listed separately in Section 5.0 of this policy.

School of Health Professions applicants and students are subject to 51.842 of the Education Code and are excluded only from the tobacco compound testing requirement.

The provisions of this policy do not relieve an employee/Trainee from requirements in other UT System or MD Anderson drug and alcohol policies.

Compliance with this policy is the responsibility of all faculty, Trainees/students, and other members of MD Anderson’s workforce.

**TARGET AUDIENCE**

The target audience for this policy includes, but is not limited to:

- All Post-Offer Applicants to include faculty, administrative staff, classified employees, and Covered Trainees, as defined herein.
- All faculty, Trainees/students, and other members of MD Anderson’s workforce.

**DEFINITIONS**

**Collection Site:** The designated Substance Abuse and Mental Health Service Administration (SAMHSA) prepared facility utilized to collect blood and/or urine samples from employees and applicants. A trained breath alcohol technician is a requirement at some sites.
Confirmation of Drug Test Results: The retesting of a urine or blood sample using gas chromatography/mass spectrometry (GC/MS) to confirm the screening test results.

Covered Trainee: For the purpose of this policy, to include all Trainees who are compensated and benefits-eligible, all MD Anderson-based Graduate Medical Education (GME) Residents and Fellows, regardless of compensation status, and all School of Health Professions students.

Drug Screen / Drug Test / Drug Testing: A urine drug screening for the purpose of detecting the presence of amphetamine, cocaine, opiates, phencyclidine, and marijuana or their metabolites. Urine drug screening is also performed for compounds of tobacco.

Employee Assistance Program (EAP): Provides confidential assistance to employees and their immediate family members to resolve problems that affect their personal lives and performance on the job.

Evidential Breath Testing Device (EBTD): The testing device required by the Department of Transportation (DOT) for alcohol testing.

Medical Review Officer (MRO): A licensed physician responsible for receiving laboratory results, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s positive test result together with that individual’s medical history and any other relevant biomedical information.

Positive Drug Test: Test results that are above the federal government’s cut-off levels: marijuana (THC), 50 ng/ml; cocaine, 300 ng/ml; amphetamines, 1,000 ng/ml; opiates, 2000 ng/ml; PCP, 25 ng/ml, and cotinine, 200 ng/ml. Alcohol levels above 0.024 are positive under the DOT rules.

Post-Offer Applicant: An applicant for employment who has received an offer, but whose hiring process awaits the removal of all contingencies to that offer.

Random Testing: Testing that occurs on a randomized schedule determined by a mathematical calculation.

Reasonable Suspicion: An articulated belief based on specific facts and reasonable inferences drawn from those facts.

Substance Abuse and Mental Health Services Administration (formerly National Institute on Drug Abuse) (SAMHSA): The federal agency responsible for formulating federal drug testing guidelines.

Trainee: An individual holding an educational appointment through Academic & VISA Administration regardless of compensation status or benefits eligibility.

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**PROCEDURE**

1.0 Pre-Placement

1.1 All job offers extended by Human Resources (HR) are contingent upon completion of a negative Drug Screen within five calendar days post offer.

1.2 All appointments offered by Academic & VISA Administration (AVA) to faculty and Covered Trainees are contingent on completion of a negative Drug Screen within five days.
1.3  The institutional application forms indicate that MD Anderson conducts pre-placement Drug Testing. Individuals selected for employment/appointment sign a consent form for Drug Testing.

2.0  Employees and Covered Trainees

An employee or Covered Trainee removed from duty under the Fitness for Duty Policy (UTMDACC Institutional Policy # ADM0275) may be referred for laboratory testing for the presence of illegal drugs or alcohol in the body.

3.0  Responsibilities

3.1  The Chief Human Resources Officer (CHRO) or designee is responsible for:

A. Notifying applicants about the completion of Drug Testing requirements within five calendar (5) days of job offer.

B. Receiving the results of Drug Tests for applicants for Classified and Administrative Staff positions.

C. Forwarding all Drug Test-related records for employees to Employee Health & Well-being for final retention.

D. Ensuring the prominent display of standard notices describing the drug testing policy in employment offices.

E. Providing initial communication and training of supervisors for departments covered under the Federal DOT regulations.

3.2  The Senior Vice President for Academic Affairs or designee is responsible for all the duties outlined in Sections 1.2, 2.0, and 3.1.A through 3.1.D as they apply to faculty.

3.3  The AVP for Academic & Visa Administration or designee is responsible for all the duties outlined in Section 1.2, 2.0, and 3.1.A through 3.1.D as they apply to Covered Trainees.

3.4  The Executive Director of Employee Health & Well-being or designee is responsible for:

A. Issuing a request for the contract and managing the contract given to a Drug Testing administration company.

B. Receiving the results of Drug Tests for faculty applicants.

   Maintaining all test result files—all Drug Test results are filed in the occupational health data management system.

C. Notifying the appropriate Texas licensing board of results of a positive test for an applicant/trainee.

3.5  The Drug Testing administration company is responsible for coordination of the different aspects of the Drug Testing process including setting up courier service, collection service, lab testing services, and Medical Review Officer (MRO) services.
3.6 The testing laboratory is responsible for:

A. Reporting all negative test results;

B. Confirmation of Drug Test Results;

C. Holding and storing all confirmed positive test samples;

D. Sending original samples for retest to another reference lab chosen by the drug test administration company;

E. Coordinating the retesting of Post-Offer Applicants if necessary;

F. Maintaining statistical data on Post-Offer Applicants referred for testing; and

G. Maintaining applicant test records.

3.7 The MRO is responsible for:

A. Receiving all Positive Drug Test results.

B. Reviewing, interpreting, and confirming Positive Drug Test results. This review includes examining alternate medical explanations for a positive test result. Upon confirmation of a Positive Drug Test:

   • The MRO notifies the CHRO or designee when an applicant for a Classified or Administrative Staff position has a confirmed positive test result, or the Director of Employee Health & Well-being or designee if the applicant is for a faculty position or Covered Trainee appointment.

   • The MRO provides the test results for a confirmed positive test to the applicant. The MRO directs the applicant to telephone Employee Health & Well-being if there is interest in the performance of a second urine test on the original urine sample (at applicant’s expense).

   • Post-Offer Applicants / Covered Trainees who have a confirmed positive test result will have their hiring/appointment process terminated.

   • Post-Offer Applicants/Covered Trainees who have a confirmed positive test for metabolites of nicotine but who indicate that they are tobacco-free will have their samples tested for additional compounds of tobacco. Applicants/Covered Trainees with a confirmed positive test for additional tobacco compounds will have their hiring/appointment process terminated.

3.8 Departmental managers are responsible for:

A. Ascertaining clearance that confirms a negative Drug Test before allowing any employee to start work.

B. Enforcing all applicable provisions in this policy.

3.9 All Post-Offer Applicants, Covered Trainees, and employees are responsible for:

A. Complying with procedures outlined in this policy and assisting in keeping the workplace drug free.
B. Signing the Consent Form by which they consent to Drug Testing and acknowledge the reporting of confirmed positive results to any applicable licensing board and to any judicial or administrative proceeding. In addition:

- Post-Offer Applicants / Covered Trainees who refuse to consent to a Drug Test will have their hiring/appointment process terminated.
- Post-Offer Applicants / Covered Trainees who fail to show for their scheduled Drug Screen appointment may have their hiring/appointment process terminated. “No shows” for Drug Screens must be rescheduled for the next business day.
- For employees and Covered Trainees, consenting to a requested Drug Test is a condition of continued employment/appointment.
- Upon reviewing the notice of the requirement, refusal to submit includes failure to provide adequate urine for controlled substances testing without a valid medical explanation, and/or engaging in conduct that clearly obstructs the testing process.

C. Presenting their Consent Form and photo-identification to the Collection Site. The Collection Site confirms that the applicant/ Covered Trainee reported for the test and collects a urine specimen from the applicant in accordance with the requirements outlined in the Guidelines for Federal Workplace Drug Testing Programs. Using chain of custody procedures, the Collection Site sends the urine specimen to a certified laboratory for testing.

4.0 Additional Testing

4.1 Any Post-Offer Applicant / Covered Trainee may have another test performed on the original sample (at personal expense) at a certified laboratory approved by MD Anderson. The individual must request the test in writing to the Executive Director of Employee Health & Well-being within seven business days of notification of a positive test.

4.2 Confidentiality:

A. All records relating to the taking of a Drug Test, to an order to take a Drug Test, and information resulting from a Drug Test will be confidential to the extent required by law.

B. In order to assure individual privacy without compromising the integrity of the test result, MD Anderson utilizes the mandatory Guidelines for Federal Workplace Drug Testing Programs for tests covered by this policy (see Volume 53 of the Federal Register, pp. 11979-11989).

C. Employee Health & Well-being maintains all final records relating to the taking or ordering of an employee / Post-Offer Applicant / Covered Trainee Drug Test in a confidential file. Following applicable laws and regulations, Human Resources and Employee Health & Well-being implement procedures to prevent the unauthorized distribution of the results and the order to take a Drug Test.

5.0 Drug Detection and Deterrence Procedure Department of Transportation (DOT)

This section outlines the additional steps and responsibilities required for Applicants or employees in Department of Transportation (DOT) positions that require a commercial driver’s license:
5.1 Prohibited Conduct:

A. Alcohol Related:

- Use or possession of alcohol while on duty that requires the performance of safety-sensitive functions.
- Use of alcohol during the four (4) hours before duty that requires the performance of a safety-sensitive function.
- Having prohibited concentrations of alcohol (0.04 or greater) in the body while on duty that requires the performance of safety-sensitive functions.
- Use of alcohol during the eight (8) hours following an accident that requires a post-accident test or until the employee undergoes a post-accident test, whichever occurs first.

B. Drug Related:

- Use of controlled substances while holding a position requiring the performance of safety-sensitive functions, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle.
- Testing positive for controlled substances while holding a position requiring the performance of a safety-sensitive function.

C. Refusal to submit to required testing.

D. Permitting a subordinate employee to perform or continue to perform safety-sensitive functions when the supervisor has actual knowledge that a driver has engaged in prohibited conduct.

5.2 Required Testing:

A. Pre-Placement Testing:

A controlled substance test given post-offer; placement is contingent on verified negative results.

B. Post-accident testing is required:

- If the accident involves a human fatality.
- If the CMV driver receives a citation for a moving traffic violation and either of the following is involved:
  - Bodily injury with immediate medical treatment away from the scene; or
  - Disabling damage to any motor vehicle requiring tow away.

C. The timings of post-accident tests are as follows:
• For alcohol:
  Within two hours; if not, reasons documented. If not within eight hours, cease attempts and document reasons.

• For drugs:
  Within 32 hours; if not, cease attempts and document reasons.

D. Random Testing:

• Frequency and number of required tests are as follows:
  • For alcohol:
    25% annually of the average number of covered positions (a driver will only be tested just before, just after, or while performing safety-sensitive functions);
  • For drugs:
    50% annually of the average number of covered positions.

• Method of Selection:
  Scientifically valid random method with each covered individual having an equal chance of being tested each time.

• Test administration dates are unannounced and spread reasonably throughout the year.

• Once notified of selection for Random Testing, the employee must proceed to the testing site as soon as possible.

E. Reasonable Suspicion testing:

• The department requests a test for a driver when a trained supervisor’s observation leads to Reasonable Suspicion that the driver is not in compliance with this policy. The supervisor makes this observation just preceding, during, or just after the period of the work day that the driver must be in compliance.

• Test administration times will be as follows:
  • For alcohol:
    Within two hours; if not, document reasons. If not within eight hours, cease attempts and document reasons for the failure. If test is not administrated in a timely manner, an employee may not perform safety-sensitive functions until 24 hours have elapsed following the Reasonable Suspicion determination.
  • For drugs:
    Supervisor’s written observations, which led to the test, documented and signed within 24 hours or before the verified test results are released, whichever is earlier.
F. Return to duty/follow up testing:

- Before an employee is allowed to return to duty following successful completion of a substance abuse rehabilitation program, the employee must receive negative results on a return-to-duty Drug Screen test.
- Administer unannounced follow-up tests as directed by a substance abuse professional (not less than six tests in the first 12 months following return to duty, and not to exceed 60 months from date of return to duty).

5.3 Record Keeping:

A. Retention Time:

- Documents related to verified positive controlled substance test results and alcohol test results indicating an alcohol concentration of 0.02 or greater (five years).
- Documentation related to refusals to take required tests (five years).
- Calibration documentation (five years).
- Records related to driver evaluations and referrals (five years).
- Annual calendar year summaries (five years).
- Records related to collection process (two years).
- Training records (two years after employee ceases to perform functions related to training).
- Documents related to negative or canceled tests (one year).
- Alcohol test results less than 0.02 (one year).

B. An authorized representative must make records available to the Federal Highway Administration.

C. Confidentiality/Disclosure:

- Records are confidential and will be maintained in a secure manner by Employee Health & Well-being in the occupational health data management system.
- Disclosures may be made to (1) an affected employee upon written request, (2) subsequent employers upon written request from the ex-employee, and (3) to DOT agency upon request.

5.4 Employee Notice:

A. Prior to entering the DOT program, an employee is given information about the program:

- The employee receives educational materials explaining the requirements of the law and the MD Anderson’s policies and procedures. Information includes:
  - Identity of employee(s) who can answer questions;
  - Drivers who are subject to the requirements;
• Sufficient information regarding the period of the day the driver is required to be in compliance;

• Testing procedures;

• Post-accident information, procedures, and instructions;

• Requirement to submit to testing and consequences of failing to submit;

• Consequences for drivers found to have engaged in conduct prohibited by this policy;

• Information regarding effects of alcohol and controlled substance use on an individual’s health, work, and personal life;

• Signs and symptoms of a problem; and

• Available methods of intervening.

• Affected employee(s) sign a certificate stating the receipt of this information.

B. During the program, communication efforts will be made to:

• Notify employees with verified positive results on the controlled substance tests.

• Notify employees or ex-employees to contact the MRO within 24 hours if the MRO requests the employee to do so.

• Notify employees (who have engaged in prohibited conduct) of resources available including names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

5.5 Training:

Supervisors designated to determine Reasonable Suspicion, will be trained in:

A. Alcohol misuse (60 minutes); and

B. Controlled substances use (60 minutes).
ATTACHMENTS/LINKS

None.

RELATED POLICIES

Employee Assistance Program Policy (UTMDACC Institutional Policy # ADM0275).
Fitness for Duty Policy (UTMDACC Institutional Policy # ADM0274).

JOINT COMMISSION STANDARDS / NATIONAL PATIENT SAFETY GOALS


OTHER RELATED ACCREDITATION / REGULATORY STANDARDS

None.

REFERENCES

None.
POLICY APPROVAL

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RESPONSIBLE DEPARTMENT(S)

Human Resources