



Los Angeles County Department of Health Services

Policy & Procedure Detail

Policy & Procedure Title:		IMPAIRED EMPLOYEES AND DRUG DIVERSION – REASONABLE SUSPICION TESTING	
Category:	700-799 Personnel Policy	Policy No.:	747.200
Effective Date:	6/15/2010	Update (U)/Revision (R):	07/01/2014 (R)
DHS Division/Unit of Origin:	Risk Management		
Departments Consulted: CEO, DHS Pharmacy Administration		Reviewed & Approved by: DHS HR	
Department Head/Designee Approval:			
Distribution: DHS-wide <input checked="" type="checkbox"/>		If not DHS-wide, other distribution:	

PURPOSE:

To establish and communicate the Department of Health Services’ (DHS’) policy prohibiting workforce members from using drugs or alcohol or being under the influence of any drug or alcoholic product in the workplace, and to provide a safe and healthful environment for workforce members, patients, and guests.

To ensure workforce members are not chemically, mentally or physically impaired to the extent that it affects their ability to practice their profession or occupation as authorized by their professional credentials and to prohibit the theft, diversion or self-use of drugs by workforce members.

POLICY:

The improper use or misuse of prescribed or over-the counter drugs, including alcohol, by any workforce member is prohibited because it adversely affects health, safety, security and productivity as well as public confidence and trust. **Workforce members are prohibited from illegally using, possessing, manufacturing, selling or being under the influence of alcohol or drugs within DHS’ facilities or on DHS property (County leased or owned).** The use of prescribed drugs or over-the-counter drugs to any extent that may impair safe or effective performance while on duty is also prohibited.

A workforce member required to take a drug that may have a potential to impair the workforce member’s ability to carry out his/her job responsibilities as part of a medically prescribed treatment program must provide his/her supervisor with a statement from the physician that the drug, when taken as prescribed or as directed, will/will not interfere with the safe operation of

equipment, vehicles or cause a negative impact on the workforce member's ability to carry out his/her duties.

A workforce member who is prescribed or directed by a medical professional to take a drug that may impair his/her ability to perform his/her duties may be placed on a temporary job modification assignment until such time the workforce member has completed his/her medical treatment plan. The supervisor/manager shall consult with the facility Human Resources (HR) Manager to alert them of the modified job assignment and obtain additional assistance should the job modification need to become permanent.

DHS may request a workforce member to provide a urine specimen for analysis to detect the presence of alcohol or drugs if there is a reasonable suspicion to believe the workforce member is impaired from performing his/her job as a result of drug or alcohol use, or if required by law, regulation or professional credentialing board or agency.

Any workforce member required to possess a valid professional credential to perform his/her profession, who is employed or assigned to work at a DHS facility or program, and is determined to be chemically, mentally, or physically impaired, or is discovered or known to have engaged in theft, diversion, or self-use of prescription or illegal drugs will be reported to the appropriate professional credentialing board or agency as required and directed by law or regulation.

If a workforce member does not agree to a drug or alcohol test, he/she will not be subject to disciplinary action for refusing to consent. However, refusal is a refutable presumption that the workforce member was under the influence of drugs or alcohol at the time of the request to take a urine test. Failure to provide a specimen within the time frame specified by law is the same as a refusal to take a urine test. The workforce member may be subject to discipline for being under the influence of drugs or alcohol based on the refutable presumption.

Each DHS program/facility shall follow this written policy to address workforce members under the influence of drugs/alcohol in the workplace.

DHS HR staff and facility managers/supervisor must be trained in the reasonable suspicion procedure and the recognition of signs of substance abuse as provided by the Chief Executive Office's Occupational Health Program (CEO OHP). Trained managers/supervisors, if available, shall be relied upon to determine if an employee is suspect for being under the influence of drugs/alcohol.

Violation of this policy by DHS personnel may result in disciplinary action, in accordance with DHS Policy 747, "Disciplinary Action." Non-County workforce members determined to be in violation of this policy will be immediately dismissed from their DHS assignment and placed in a "Do Not Send" status.

The County of Los Angeles (County) established the Employee Assistance Program (EAP) to provide assistance to County employees with counseling and referrals for alcohol and drug related problems, as well as other services to promote an effective and productive workforce.

All workforce members shall be made aware of this policy upon hire or assignment and annually in conjunction with the performance evaluation process.

DEFINITION(S):

Workforce member includes employees, contract staff, affiliates, volunteers, trainees, students, and other persons whose conduct, in the performance of work for DHS, is under its direct control, whether or not they receive compensation from the County.

Professional credentials, for purposes of this policy, include license, registration, certificate, and/or permit issued by an appropriate board or agency.

GUIDELINES:

WORKFORCE MEMBER RESPONSIBILITIES

- A workforce member who personally observes behavior of a fellow workforce member that may be suspect of being under the influence of alcohol or drugs, witnesses the sale or possession of illegal drugs or alcohol on the premises of any DHS facility, or the theft, diversion or self-use of controlled substances must immediately contact his/her supervisor/manager, the facility HR Manager or Performance Management Unit representative, and/or the facility police personnel.
- Do not perform duties at work while using prescription drugs and over-the-counter drugs that could interfere with the safe operation of equipment or vehicles, have a negative impact on patient/public safety, or affect the ability to carry out his/her work-related responsibilities. In such cases, workforce members should notify their supervisor in advance should they need a temporary assignment or approved leave of absence due to a prescribed medical treatment program.

SUPERVISOR/MANAGER RESPONSIBILITIES

If it is observed that a workforce member is under the influence of alcohol or drugs and may be in danger of harming himself/herself or others, the supervisor/manager shall immediately:

- Remove the workforce member and any endangered persons from the potentially dangerous situation. The employee should be immediately restricted from performing safety sensitive duties until cleared by CEO OHP. Non-County workforce members shall be terminated from assignment and placed on the “Do Not Send” list, in accordance with DHS exit procedures.

- Contact the facility on-site HR to obtain advice about the “Reasonable Suspicion” procedure.
- Contact the facility police if alcoholic beverages or drugs are found on the premises or on the workforce member, or if the workforce member becomes agitated or uncooperative.

Only a supervisor/manager or other official **trained** on the “Reasonable Suspicion” procedure may conduct the reasonable suspicion test process.

REPORTING TO STATE AGENCIES

State regulations require reporting of licensed individuals to the licensing agency when found to not be performing in accordance with professional and patient safety standards such as the inability to adequately perform safe patient care due to the licensee’s chemical, physical, or mental impairment. California Business and Professions Code require timely reports (e.g., pharmacies must report pharmacists within 14 days, and licensees covered under section 805 within 15 days).

REFERENCES/AUTHORITY:

Board of Supervisors Policy 9.050 Drug Free Workplace Program
County of Los Angeles-CEO, Occupational Health Programs – Reasonable Suspicion Procedure
California Business and Professions Code, Sections 805, 1290, 1681, 2519, 2660, 2762, 2878.1, 3110, 4104-4105
Omnibus Transportation Employee Testing Act of 1991
Public Law 100-690 Title V, Subtitle D Drug-Free Workplace Act of 1988

DHS Policy Nos.

382 Intoxicated Persons on Premises
918.1 Design/Construction and Maintenance Risk Assessment Policies and Procedures:
Drug Free Workplace Policy
Department of Transportation (DOT) Testing policies and procedures
DHS Discipline Manual and Guidelines

REVISION/REVIEW DATES:

06/15/10 08/01/12