Drug Testing Policy

**Background:** The Muskingum University Department of Nursing (DON) drug testing policy was established to meet contractual requirements established by clinical facilities used by the DON for clinical placements for undergraduate students. Clinical facility policies universally require that nursing education programs using their clinical facilities develop and implement a drug testing policy to meet the requirements of the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), which mandated the need for such policy. (See (M) C 6, Management of Human Resources Standards 1.20 and EP 6 - Elements of Performance). As such, this policy applies to all students and personnel who have any current or potential future role in those clinical facilities. The need for drug testing policies in health care facilities and health profession education programs was grounded in the evidence on the prevalence of chemical substance abuse and chemical dependency in health care providers. The facilities, with which the Nursing program holds clinical contracts, and the Nursing Program, are both committed to protecting the public. In addition, the faculty believe we have a commitment to students who are using chemical substances and who may be chemically dependent. Integral to that sense of commitment is the establishment of procedures that include identifying a student who may be chemically-dependent, suspending his/her ability to participate in patient care as a representative of the Nursing Program, and providing a route by which he/she may be reinstated. The intent of this policy is to achieve that end.

**Testing protocol and rationale:** Beginning in the fall of 2009 and with the adoption of this policy, students will submit to drug testing as a baseline measure. Testing will occur:
- Prior to beginning clinical experiences
- Random; and
- For cause

*Random testing* is done as a deterrent to misuse of drugs after students begin their clinical courses. This testing is in addition to the initial testing that is conducted by appointment. Approximately one tenth of the students who have begun clinical rotations per year are asked to submit to random testing.

“For cause” testing may be required if the Chair of the Nursing Program or designee, in consultation with faculty, determines that the behavior of a student is reasonably suggestive of inappropriate use of chemical substances, including alcohol. Suspicious behavior includes, but is not limited to: the smell of alcohol on the breath, slurred speech, decreased coordination,
pinpoint or dilated pupils, reddened eyes, forgetfulness, impaired judgment, difficulty concentrating, arriving late for clinical laboratory experience, memory problems, unprofessional appearance, inaccurate and/or sloppy charting, inability to focus on appropriate patient needs, and/or change in usual demeanor.

Muskingum University is an academic institution and as such, the provision of assessment and treatment is beyond the scope of the mission of the University.

Definitions

- **Chain of Custody** refers to the ability to guarantee the identity and integrity of the specimen from collection through analysis and reporting of the test results.
- **Chemical Dependency** refers to an illness that is treatable, chronic, and may be terminal if not treated. Chemical dependency has recognizable signs and symptoms characterized by physical and/or psychological dependence on mood-altering drugs including alcohol.
- **Chemical Substance Abuse** is the personal use of any chemical substance—alcohol, non-prescribed drugs, over-the-counter drugs, illegal drugs and/or prescribed medications used in a manner for which they are not intended—that produces impairment in judgment.
- **Drug testing** is analysis of urine, blood, hair or breath that allows a determination to be made that non-prescribed drugs are being used by the person being tested. Students on prescription medications can identify the drug to the laboratory before the urine analysis is done. The form providing information about prescription medications is included in the appendices (Appendix B).
- **For Cause** indicates that the person being evaluated has demonstrated behavior consistent with chemical substance abuse. Behaviors that would be regarded as suspicious include, but are not limited to, the following: slurred speech, decreased coordination, drowsiness, pinpoint or dilated pupils, reddened eyes, forgetfulness, difficulty concentrating, impaired judgment, sedation, decreased inhibitions, euphoria, incomplete, sloppy or inaccurate charting, or repeatedly being late to clinical area.
- **Impaired Nursing Practice** is practice in which the nurse’s ability to care for patients is diminished because of the misuse of chemicals which leads to impaired decision making, critical thinking and clinical judgments.
- **Random testing** refers to drug testing that is done at an unscheduled time. The person being asked to have testing done is called and asked to provide a urine sample within a specified amount of time.
- **Self-reporting** is acknowledgement by a person that they have been taking non-prescribed drugs prior to discovery by a formal drug test.
- **Treatment** is a term to cover the steps that are necessary to provide a student with feedback about the impaired behavior, including referring the student for assessment and treatment and providing for follow-up monitoring.

**Refusal to be tested for Cause:** A student who reports to the Nursing Skills Laboratory or the clinical area and refuses to submit to drug testing within four hours of the request may be dismissed from Nursing.
**Refusal of Random Testing:** A student who is called randomly has twelve hours to report for testing. Failure to do so may result in the dismissal from Nursing. A student who is randomly called may appeal this sanction if data is supplied that made getting to a lab prohibitive, e.g., being out of town, illness. Being at work or at school and refusing testing within twelve hours are not valid excuses.

**Self-Reporting of Chemical Dependency:** A student who voluntarily self-reports a chemical dependency problem will be counseled by the appropriate resource person as facilitated by consultation with the Chair of the Department of Nursing or designee.

**Pre-licensure students:** The student will be advised with regards to the Ohio Board of Nursing application to apply for licensure to practice as a registered nurse in Ohio. The student will be expected to seek assessment, follow through with treatment recommendations and sign and comply with the “Contract to Return to Clinical Nursing” (attached).

**Post-licensure students (RN-BSN):** The student will be advised with regards to available peer assistance programs and referred to applicable Ohio Board of Nursing statute and administrative rules. The student will be expected to seek assessment, follow through with treatment recommendations and sign and comply with the “Contract to Return to Clinical Nursing” (attached).

**Procedure for Drug Testing**

**Scope of Drug Testing:** The test is an observed urine test and consists of a 9-panel with expanded opioids analysis which detects:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cocaine
- Cannabinoids
- Methadone
- Opiates plus expanded Opiates (including Hydrocodone, Hydromorphone, Oxycodone, and Oxymorphone)
- Phencyclidine
- Propoxyphene

Students observed with a strong smell of alcohol in addition to the behaviors previously identified will also be required to submit for alcohol testing as part of the “for cause” testing.

**Initial Testing:** When there are 10 or more individuals being tested at the same time, testing will be scheduled to be complete in the Nursing Laboratory located in Boyd Science Center room 238. If fewer than 10 students are being tested the DON will identify the specific laboratory, location, and hours for the student to get to complete the protocol. ALL students doing initial testing at an off campus site must complete the pre-testing forms that follow prior to testing and submit them to the Department of Nursing Secretary located in Boyd Science Center room 416. The labs require that the DON notify them in advance of the names of students who
are coming to their locations for testing. This way the student will be logged in correctly and have the correct lab testing completed.

1. All students in the Department of Nursing will be asked to sign an authorization form before submitting to drug testing, and a declaration of legal use of prescribed medication (Appendix A) if applicable. These will be retained in a secured file in the office of the Chair of the Department of Nursing. This information will NOT be part of the student’s academic advising file.
2. All specimens will be collected by a certified testing service.
3. The collection will be done according to standards set by the contracted laboratory.
4. The laboratory will follow a chain of custody procedure assuring the accuracy of the specimen’s identity.
5. Results of the test will be sent to the Department of Nursing, usually within three working days from the time of testing.
6. Random and “for cause” testing (off site).
7. Random and “for cause” testing will be done off-site at the testing center specified by the DON.
8. Individuals selected for testing will be responsible for getting to the laboratory.
9. Results will be sent to the Department of Nursing.

Cost of Testing

The cost of “for cause” drug testing will be borne by the student.

Action in the Event of a Positive Urine Drug Test

1. The student who tests positive for a non-prescribed drug in the urine will be prohibited from engaging in clinical and/or laboratory practice.
2. Following an initial positive urine test, a second random urine test will be required within seven days.
3. If both the initial and follow-up drug screens are found to be positive, the student will be withdrawn from clinical and laboratory nursing courses for one year from the start of the semester in which the drug test was positive (i.e. offense occurs in October, student may petition to return at the beginning of the next fall semester).
   a. A contract with the student will be offered (see attached). The student must sign and comply with the stipulations in the contract if they want to apply for readmission to the nursing program.
   b. All costs associated with laboratory fees, transportation to counseling or Alcoholics Anonymous (AA) meetings will be borne by the student.
4. The student will be referred to faculty of the DON for possible dismissal, which requires a majority faculty vote.
5. In addition, the urine drug testing data will be forwarded to the office of the Vice President for Academic Affairs (VPAA). Any disciplinary action imposed by the VPAA is separate from and in addition to the action of the DON.
Petition for Readmission to the DON

1. One year following the positive drug screen, the student may make a written request to be readmitted to the DON. The letter of request shall at least include:
   a. Documentation of contract compliance
   b. A recovery plan that the student will continue to follow until graduation
   c. Evidence of a drug test completed within seven days prior to the written request. The test must be done by a laboratory approved by the DON and must have been an observed urine and followed the customary chain of custody procedures.
   d. The Contract to Return to Clinical Nursing Practice/Laboratory/Classroom Form for Pre-licensure Traditional Track Form can be found in Appendix C and for Post-licensure RN-BSN Track can be bound in Appendix D.

Confidentiality: A separate file for drug testing procedures and results will be maintained in a secure area in the Chair’s office. If action is required subsequent to positive drug testing, the information regarding drug testing results or treatment information will be treated as confidential and disclosed only to faculty or the student’s advisor and other specifically designated University personnel who have a legitimate educational need to know in order to perform the responsibilities of their positions. However, if a student tests positive for any non-prescribed substance in the future, and is dismissed from the Department of Nursing, the drug test results and subsequent actions will be reported to the Muskingum University VPAA. Post-licensure students will additionally be reported to the Ohio Board of Nursing.

Policy on Mandated Reporting for Post-licensure Students: Section 4723.34 of the Ohio Revised Code, “Duty to report misconduct by licensee” states in part:

“(A) Reports to the board of nursing shall be made as follows:

(1) Every employer of registered nurses, licensed practical nurses, or dialysis technicians shall report to the board of nursing the name of any current or former employee who holds a nursing license or dialysis technician certificate issued under this chapter who has engaged in conduct that would be grounds for disciplinary action by the board under section 4723.28 of the Revised Code.

The relevant paragraph of Section 4723.28 of the Ohio Revised Code, “Disciplinary actions against licensees or certificate holder, investigations”, states in part:

(B) Subject to division (N) of this section, the board of nursing, by a vote of a quorum, may impose one or more of the following sanctions: deny, revoke, suspend, or place restrictions on any nursing license, certificate of authority, or dialysis technician certificate issued by the board; reprimand or otherwise discipline a holder of a nursing license, certificate of authority, or dialysis technician certificate; or impose a fine of not more than five hundred dollars per violation. The sanctions may be imposed for any of the following:

(8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid
prescription issued for that individual;

(9) Habitual indulgence in the use of controlled substances, other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs ability to practice;

(10) Impairment of the ability to practice according to acceptable and prevailing standards of safe nursing care because of habitual or excessive use of drugs, alcohol, or other chemical substances that impair the ability to practice.”

RN-BSN Completion students are licensed to practice nursing in the state of Ohio and held to the standards included in the Nurse Practice Act. While these students are not considered employees of MU, they are licensed RNs. The University takes seriously the risks associated with any student who is functioning as a representative of the University in any capacity while impaired. Therefore, this standard will be applied to RN-BSN Completion students.