

DEPARTMENT: Human Resources	POLICY DESCRIPTION: Substance Use in the Workplace
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EFFECTIVE DATE: May 1, 2020	REFERENCE NUMBER: HR.ER.060 (formerly CSG.MM.002)
APPROVED BY: Ethics and Compliance Policy Committee	

SCOPE: All Company-affiliated facilities including, but not limited to, hospitals, ambulatory surgery centers, home health agencies, physician practices, service centers, outpatient imaging centers, and all Corporate Departments, Groups, Divisions and Markets. This policy covers all colleagues and students as well as those applying for colleague positions. HCA Healthcare facilities in the United Kingdom are exempt from the requirements of this policy.

PURPOSE: To prohibit inappropriate drug or alcohol use by our colleagues and students in the workplace so as to ensure the quality of care we provide to patients, the safety of our workplace and a healthy work experience.

To articulate our intent that all conduct be consistent with all relevant federal, state and local laws and regulations relating to drug or alcohol use by colleagues (this includes colleagues and Facilities outside the U.S. and the laws of the country where the Facility is located) and students. To the extent that this policy conflicts with such laws and regulations, such laws and regulations will govern.

POLICY:

1. **Assistance**

- a. The Company recognizes that alcohol abuse, substance abuse, and addiction may arise out of treatable illnesses. The Company also realizes that early intervention and support improve the success of rehabilitation. To support colleagues, the Company:
 - i. Encourages colleagues to seek help if they are concerned that they, their family members, or another workforce member may have a drug and/or alcohol problem.
 - ii. Encourages colleagues to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
 - iii. Offers all colleagues and their family assistance with drug or alcohol problems through the Employee Assistance Program (EAP).
 - iv. Allows staff the ability to request leave, in accordance with applicable leave of absence policies, while seeking treatment for drug or alcohol problems.
- b. Treatment for alcoholism and/or drug use disorders may be covered by a personal benefit plan. However, the ultimate financial responsibility for treatment belongs to the individual.

2. **Shared Responsibility**

- a. A safe and productive workplace free of inappropriate alcohol or drug use is achieved through cooperation and shared responsibility.

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- b. It is the responsibility of each colleague and student to:
 - i. Adhere to this policy.
 - ii. Notify their supervisor of any arrest or conviction involving drugs or alcohol prior to their next scheduled shift or clinical duty.
 - iii. Cooperate fully with any investigation related to alleged violations of this policy.
 - iv. Report, and/or intervene in the event of reasonable suspicion of violations of this policy.
 - v. Safeguard Controlled Substances from unauthorized access.

- c. It is the responsibility of each Facility's management to:
 - i. Inform colleagues and students of this policy.
 - ii. Provide periodic training for colleagues and students on substance abuse and available resources such as the Employee Assistance and Rehabilitation Assistance Programs and the policy's language regarding employee self-referral.
 - iii. Make the policy easily accessible to colleagues and students.
 - iv. Contract with an accredited reference lab for drug testing, transmit to the lab a copy of this policy, and ensure that there is a non-employed physician who will serve as a Medical Review Officer (MRO) for testing and interpretation.
 - v. Periodically conduct substance abuse training for supervisors.
 - vi. Investigate reports of violations of this policy.
 - vii. Take action with respect to violations of this policy. Such action could include counseling with respect to professional help, referral to the Employee Assistance Program, disciplinary action, or termination. If required by accreditation, certification, licensure, or legal requirements, or if management of the Facility believes it to be appropriate, timely notify the appropriate authorities of any such action.
 - viii. Maintain all documents pertaining to reports and investigations pursuant to the Records Management Policy, EC.014.

3. Prohibited Behavior

- a. The following activities are strictly prohibited and will be subject to discipline, including possible termination of employment:
 - i. The sale, manufacture, distribution, purchase, use, or possession of alcohol, alcoholic beverages, marijuana (including medical marijuana and its derivatives), illegal substances, non-prescribed Controlled Substances, or drug paraphernalia by an colleague or student on Facility premises or during their working hours.
 - ii. Reporting to work, or being at work, while:

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- a. under the influence of, or impaired by, alcohol, alcoholic beverages, marijuana (including medical marijuana and its derivatives), illegal substances, or non-prescribed Controlled Substances; or
 - b. impaired by prescribed Controlled Substances.
- For the purpose of the Policy, a colleague or student is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a blood alcohol level of .04 g/dL or more.
- iii. Reporting to work, or being at work, with the smell of alcohol on one's breath or person, a measurable quantity of marijuana, a measurable quantity of illegal substances, or a measurable quantity of non-prescribed Controlled Substances in one's blood or urine.
 - iv. A conviction for sale or possession with intent to distribute any drugs, including prescription drugs.
 - v. Theft or diversion of facility and/or patient medications.
 - vi. Refusal for any reason to submit or consent to a drug/alcohol test requested by any management personnel at the Facility.
 - vii. Participation in any act that would create or allow false documentation of security and/or safety practices.
 - viii. Tampering with or otherwise altering drug testing samples or security equipment or systems.
- b. Notwithstanding the foregoing, during facility-sponsored activities, the facility CEO, Administrator, PSG Division Vice President or Director of Operations, or individual with senior level responsibility for the facility, at his/her discretion, may approve the responsible and limited serving of alcoholic beverages.
 - c. Excluding medical marijuana, prescription medications are not prohibited under this policy when taken as prescribed under the direction and monitoring of a physician. Medical marijuana is prohibited even when taken as prescribed by a physician.
4. **Duty to Report, Detection and Reasonable Suspicion**
- a. A colleague or student must notify their supervisor whenever they are taking a prescribed or over-the-counter drug that the colleague or student has been advised, or based upon the drug profile, may impair job performance (e.g., drowsiness or diminished ability to focus).
 - b. A colleague or student must notify their supervisor if the colleague or student has reasonable concerns that another colleague or student has violated this policy.

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5. **Searches**

If a supervisor has a reasonable suspicion that a colleague or student has violated this policy, the supervisor may require the colleague or student to submit to a search or inspection. By entering Facility property, each colleague or student consents to such searches. Searches can be conducted of pockets, clothing, lockers, wallets, purses, briefcases, lunchboxes, backpacks, duffel bags, desks, workstations, equipment, and other areas. See also the Company's general policy regarding searches in the Theft and Violence in the Workplace Policy, IP.PS.002.

6. **Drug and Alcohol Testing**

- a. To ensure the accuracy and fairness of our testing program, all collection and testing will be conducted pursuant to guidelines established by the Medical Review Officers and, if applicable, in accordance with Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines; a confirmatory test; the opportunity for a split sample; review by an MRO, including the opportunity for colleagues or students who test positive to provide a legitimate medical explanation, with the exception of medical marijuana, such as a physician's prescription, for the positive result; and a documented chain of custody.
- b. All drug-testing information will be maintained in a confidential record separate from the colleague's personnel record.
- c. Colleagues and students will be required to participate, at a minimum, in testing as follows:
 - 1) Post offer, pre-employment;
 - 2) Prior to an acquisition which includes the employment of the seller's colleagues, Corporate Human Resources will compare the seller's drug testing policy to this policy in the required due diligence process and will make a recommendation to the Division President expected to operate the newly acquired business based on that comparison;
 - 3) Upon reasonable suspicion of a violation of this policy such as:
 - i. Use or possession of alcohol, marijuana (including medical), illegal substances, non-prescribed Controlled Substances, or drug paraphernalia by an colleague or student on facility premises or during their working hours;
 - ii. Reporting to work, or being at work, while under the influence of, or while impaired by, alcohol, marijuana (including medical), illegal substances, prescribed or non-prescribed Controlled Substances;
 - iii. Reporting to work, or being at work, with the smell of alcohol on one's breath or person, a measurable quantity of marijuana, a measurable quantity of illegal

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substances, or a measurable quantity of non-prescribed Controlled Substances in one's blood or urine.

- 4) When there is Reasonable Suspicion that the individual to be tested was involved in a Medication Diversion incident (with or without perception of impairment);
- 5) When there is Reasonable Suspicion that drug and/or alcohol use by a colleague contributed to or caused an illness or injury to the colleague or to any person (e.g., colleague, student, patient).

An event that will not trigger testing is an accounting change initiated by an Affiliated Employer.

- d. Reasonable Suspicion and reportable accident testing should include amphetamines, barbiturates, benzodiazepines, carisoprodol, opiates, fentanyl analogues, methadone, meperidine, marijuana, and cocaine, as contained in the 12+MDMA+Oxyco+Crt-Bund test.
- e. When a colleague or student is tested based on Reasonable Suspicion that the individual was involved in a Medication Diversion incident, and there is no perception of impairment, the individual should only be tested for the drug or drugs suspected to be diverted, rather than the full 12+MDMA+Oxyco+Crt-Bund test. In the event that the drug or drugs suspected to be diverted are opioids, benzodiazepines, or amphetamines, the test may include all drugs in that specific class or bundle (i.e., if an Affiliated Employer suspects that an individual opioid was diverted, the colleague may be tested for all opioids but should not be tested for any benzodiazepines, amphetamines, or other Controlled Substances). If the colleague is tested based on Reasonable Suspicion of involvement in a Medication Diversion incident and the individual is perceived to be impaired, the test should include the full 12+MDMA+Oxyco+Crt-Bund test.
- f. Testing for the presence of alcohol will be conducted by analysis of breath, saliva, blood or other accepted testing methodology.
- g. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, saliva, or other accepted testing methodology.
- h. Once a colleague or student has taken a drug or alcohol test, the tested individual must be removed from the schedule and not allowed to work at the facility until the facility has received and reviewed the results of the test from the MRO. In the event that the colleague passes the test and returns to work without any discipline, the colleague will be entitled to back pay for all hours missed due to the drug test.

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- i. The MRO will review all non-negative reports. Any non-negative drug test result due to a physician-approved medication will be reported as a negative result. If it appears that the person tested is impaired by the use of medications for which the colleague or student has a valid prescription, the report should note that fact. Medications that could affect an applicant's ability to perform their job may result in restrictions or recommendation for accommodation with respect to those tasks.

7. Violations of Policy

Colleagues and students will be subject to discipline, including possible termination, if they violate this policy in any way.

8. Pre-Employment Tests

With respect to a person who has been offered employment, if the person refuses to take the pre-employment drug tests described above, or tests positive for any non-prescribed Controlled Substances or Illegal Substances, the offer of employment will be withdrawn.

Upon hire, substances tested for must, at a minimum, include amphetamines, barbiturates, benzodiazepines, opiates, marijuana, methadone, and cocaine.

PROCEDURES:

1. General

- a. Upon notification that any person has a reasonable suspicion that a colleague or student of a Facility is violating, or has violated, this policy, the leadership of the Facility shall conduct an investigation. If, after an initial investigation, there appears to be some credibility to the suspicion, the Facility shall take whatever action necessary to protect patients, students, and colleagues. If the circumstances indicate that it is appropriate, the action may include immediately removing the colleague or student from their work area and escorting him/her to a designated testing location, and conducting a search of the work area. The colleague or student will be asked to sign a [consent form](#) prior to testing.
- b. Any colleague or student who is tested based upon a reasonable suspicion of a violation of this policy shall be immediately suspended pending results.
- c. Any colleague or student whose blood alcohol content exceeds the maximum set forth in this policy, or tests positive for non-prescribed Controlled Substances or Illegal Substances, will be immediately suspended. The Facility shall then seek legal review by the employment section of the Legal Department.

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- d. During a suspension for violation of this policy, the colleague or student shall not be allowed access to the Facility with the exception for medical treatment. In the event that the colleague passes the test and returns to work without any discipline, the colleague will be entitled to back pay for all hours missed due to the drug test
- e. The Facility may provide colleagues and students who test positive with contact information for substance abuse resources.

2. **Voluntary Self-Reporting**

A colleague or student who voluntarily self-reports substance abuse may be offered an opportunity to participate in a rehabilitation program. In such cases, the Facility may require, as a condition of continued employment, that the colleague or student abide by the terms set forth by the Facility. Circumstances related to substance abuse will be taken into consideration on a case-by-case basis.

3. **Organizational Reporting**

In the event of a violation of this policy, the Facility will, if required by law, or if not required then if the Facility deems it appropriate, notify: (a) governmental agencies with jurisdiction over drug and alcohol issues (e.g., police, FDA, DEA); (b) if applicable, any professional licensing boards; and (c) appropriate Company executives (e.g., Division, HR, Legal, PR, Risk Management, HCI).

4. **Confidentiality**

All information received by the Facility through compliance with this policy is confidential. Access to this information is limited to those who have a legitimate need to know within the Company or those outside the Company in law enforcement.

5. **Communication and Training**

Communicating this policy is critical to the Company's success. To ensure all colleagues or students are aware of their role in supporting this policy, each Facility shall prepare a plan for ensuring:

- a. The policy will be reviewed in orientation sessions for all colleagues and students.
- b. The policy will be reviewed annually by all colleagues and students.
- c. Leadership/designee will discuss the policy and organizational procedure during orientation of staff managers.

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6. **Financial Reporting**

- a. Charges for colleague drug screens, physician physicals, and fit for duty physicals should be reported under Account Title: Post Employment Drug Screens/Physicals #294.
- b. Charges for potential colleague drug screens, physician physicals, and fit for duty physicals should be reported under Account Title: Pre-employment Backgrounds/Drug Screens/Physicals #866.

DEFINITIONS:

Controlled Substances: Any drug or chemical substance whose possession and use are regulated under the Controlled Substances Act.

Facility: A facility owned by an HCA Healthcare Affiliate, including, but not limited to, hospitals, ASCs, urgent care and imaging centers, billing offices, revenue service centers, and corporate, division, and market offices.

HCA Healthcare Affiliate: Any entity (partnership, corporation, joint venture, LLC, etc.) that HCA Healthcare ultimately owns or controls 50% or more of, including its 50% owned joint ventures.

Illegal Substances: Any drug the possession or sale of which violates federal law (in the U.S.) or the country, state or local law of the jurisdiction in which the Facility is located.

Impairment: Impairment occurs when a use of a substance interferes with an individual's ability to perform their job duties competently and safely. Indicia of impairment can include, but are not limited to:

- Odor of alcohol or marijuana;
- Unusual speech patterns such as slurred speech, rambling, incoherent speech, shouting;
- Reduced mobility, such as staggering, inability to walk, reduced fine motor skills;
- Unusually aggressive or anxious behavior;
- Unusual irritability;
- Reduced ability to focus or stay on task; or
- Bloodshot, dilated, or glassy eyes.

Medical Review Officer (MRO): A licensed physician not employed by HCA Healthcare or an HCA Healthcare Affiliate who oversees the medical aspects of this policy. The MRO can be

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recommended to the Facility by the contracted Reference Laboratory. The MRO should have appropriate medical training to interpret and evaluate an individual's positive test results, medical history and any other relevant medical information.

Reasonable Suspicion: Suspicion that is based on specific facts and reasonable inferences that can be drawn from those facts and is specific to the individual to be drug tested. Reasonable suspicion does not require certainty, but it should be supported by facts.

REFERENCES¹:

1. Records Management Policy, [EC.014](#)
2. Theft and Violence in the Workplace Policy, [IP.PS.002](#)
3. Controlled Substance Monitoring Policy, [COG.MM.001](#)
4. Discipline, Counseling, Corrective Action Policy, HR.ER.008
5. Employment Separation Policy, HR.ER.012
6. Transfers Policy, HR.TA.004

¹ For the most recent version of referenced Human Resources policies, please visit HCAhrAnswers.com.