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| TITLE: CONTROLLED SUBSTANCES IN THE WORKPLACE | POLICY #: HR.069 |
| REPLACES: 14-35 | EFFECTIVE DATE: 4/1/07, 11/1/08, 2/1/11, 4/1/11, 5/1/11, 9/1/13, 11/1/2016, 02/2018 |

- I. PURPOSE:** To prohibit inappropriate drug or alcohol use by our employees and students in the workplace in order to prevent a threat to 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 employees (this includes employees 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.

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 System Departments, Groups, and Markets. This policy covers all employees and students as well as those applying for employee positions.

II. DEFINITIONS:

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

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: Practitioner impairment occurs when a substance-related disorder interferes with his or her ability to engage in professional activities competently and safely.

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

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

Facility: A facility owned by OU Medical System Affiliate, including, but not limited to, hospitals, ASCs, urgent care and imaging centers, billing offices, revenue service centers, and system, and market offices.

III. POLICY:

TITLE: CONTROLLED SUBSTANCES IN THE WORKPLACE**1. Assistance**

- a. The Company recognizes that alcohol abuse, substance abuse, and addiction arise out of treatable illnesses. The Company also realizes that early intervention and support improve the success of rehabilitation. To support employees, the Company:
 - i. Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
 - ii. Encourages employees 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 employees 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.
- b. It is the responsibility of each employee and student to:
 - i. Adhere to this policy.
 - ii. Notify his or her supervisor at the Facility of any arrest or conviction involving drugs or alcohol prior to his or her 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 employees and students of this policy.
 - ii. Make the policy easily accessible to employees and students.
 - iii. 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.
 - iv. Periodically conduct substance abuse training for supervisors.
 - v. Promote employee awareness of the Company's assistance programs, including the Employee Assistance and Rehabilitation Assistance Programs.
 - vi. Investigate reports of reasonable suspicion 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.
 - viii. 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.

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- ix. Maintain all documents pertaining to reports and investigations pursuant to the Records Management Policy, ADMIN.009.

3. **Prohibited Behavior**

- a. The following activities are strictly prohibited and will be subject to discipline, including possible termination of employment:
- The sale, manufacture, distribution, purchase, use, or possession of alcohol, alcoholic beverages, marijuana (including medicinal marijuana), illegal substances, non-prescribed controlled substances, or drug paraphernalia by an employee or student on Facility premises or during his or her working hours.
 - Reporting to work, or being at work, while under the influence of or while impaired by alcohol, alcoholic beverages, marijuana (including medicinal marijuana) illegal substances, prescribed or non-prescribed controlled substances. For the purpose of the Policy, an employee 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 or more.
 - Reporting to work, or being at work, with the smell of alcohol on one's breath or person, a measurable quantity of marijuana, or a measurable quantity of non-prescribed Controlled Substances in one's blood or urine.
 - A conviction for sale or possession with intent to distribute any drugs, including prescription drugs.
 - Theft or diversion of facility and/or patient medications.
 - Refusal for any reason to submit or consent to a drug/alcohol screen requested by any management personnel at the Facility.
 - Participation in any act that would create or allow false documentation of security and/or safety practices.
 - 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, Practice Manager 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 medicinal marijuana, prescription medications are not prohibited under this policy when taken as prescribed under the direction and monitoring of a physician. Medicinal marijuana is prohibited even when taken as prescribed by a physician.

4. **Duty to Report, Detection and Reasonable Suspicion**

- a. An employee or student must notify his or her supervisor whenever he or she is taking a prescribed or over-the-counter drug that the employee or student has been advised will, or based upon the drug profile is likely to, impair job performance (e.g., drowsiness or diminished ability to focus).
- b. An employee or student must notify his or her supervisor if the employee or student has reasonable concerns that another employee or student has violated this policy.

5. **Searches**

If a supervisor has a reasonable suspicion that an employee or student has violated this policy, the supervisor may require the employee or student to submit to a search or inspection. By entering

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Facility property, each employee or student consents to such searches. Searches can be conducted of pockets, clothing, lockers, wallets, purses, briefcases, lunchboxes, backpacks, duffel bags, desks, work stations, equipment, and other areas. See also the Company's general policy regarding searches in the Theft and Violence in the Workplace Policy, SS.001.

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 employees or students who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody, with the exception of medicinal marijuana.
- b. All drug-testing information will be maintained in separate confidential records.
- c. Employees and students will be required to participate, at a minimum, in testing as follows:
 - i. Post offer, pre-employment;
 - ii. Prior to an acquisition which includes the employment of the seller's employees, 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 OUM Chief Human Resources Officer and the Chief Executive Officer expected to operate the newly acquired business based on that comparison;
 - iii. Upon reasonable suspicion;
 - iv. When it is reasonably possible that drug and/or alcohol use by an employee contributed to or caused an illness or injury to the employee or to any person (e.g., employee, student, patient).

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

- d. Substances tested for at hire must at a minimum include amphetamines, barbiturates, benzodiazepines, opiates, marijuana, methadone, and cocaine. Reasonable suspicion and reportable accident testing should include amphetamines, barbiturates, benzodiazepines, carisoprodol, opiates, fentanyl analogues, methadone, meperidine, marijuana, and cocaine.
- e. Testing for the presence of alcohol will be conducted by analysis of breath, saliva, blood or other accepted testing methodology.
- f. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine, blood, saliva, or other accepted testing methodology.
- g. 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 employee or student has a valid prescription, the report should note that fact. Medications that could affect an applicant's ability to perform his or her job may result in restrictions or recommendation for accommodation with respect to those tasks.

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7. Violations of Policy

Employees 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.

Current employees who accept employment with another affiliated employer are required to participate in Pre-Employment Testing. If test results are positive for any non-prescribed Controlled Substances or Illegal Substances, the offer of employment will be withdrawn. Additionally, the positive test results will be communicated to the current affiliated employer; the current affiliated employer will conduct its own investigation, the results of which will be subject to discipline, including possible termination of employment.

IV. PROCEDURE:**1. General**

- a. Upon notification that any person has a reasonable suspicion that an employee 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 employees, including, if the circumstances indicate that it is appropriate, the action may include immediately removing the employee or student from his or her work area and escorting him/her to a designated testing location, and conducting a search of the work area. The employee or student will be asked to sign a consent form prior to testing.
- b. Any employee or student who is tested based upon a reasonable suspicion of a violation of this policy shall be immediately suspended pending results.
- c. Any employee 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.
- d. During a suspension for violation of this policy, the employee or student shall not be allowed access to the Facility with the exception for medical treatment.
- e. The Facility may provide employees and students who test positive with contact information for substance abuse resources.

2. Voluntary Self-Reporting

An employee or student who voluntarily self-reports substance abuse maybe offered an opportunity to participate in a rehabilitation program. In such cases, the Facility may require, as a condition of

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continued employment, that the employee 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., 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 employees 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 employees and students.
- b. The policy will be reviewed annually by all employees and students.
- c. Leadership/designee will discuss the policy and organizational procedure during orientation of staff managers.

6. **Financial Reporting**

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

7. **Policy Monitoring**

Monitoring of policy compliance will occur through Compliance Process Reviews by the Ethics and Compliance Department and Quality Review System Surveys by the Clinical Services Group.

REFERENCES

1. Records Management Policy, ADMIN.009
2. Theft and Violence in the Workplace Policy, SS.001
3. Controlled Substances, PHARM.006
4. Medication Diversion Prevention Policy, PHARM.015
5. Discipline, Counseling, Corrective Action Policy, HR.023
6. Employment Separation Policy, HR.002

APPROVED BY:

OUM Policy & Procedure Committee: 10/28/2016

OUM Board of Directors: 1/23/2018

