

IMPAIRMENT AND SUBSTANCE ABUSE TESTING POLICY

I. Philosophy

Jacksonville State University (JSU) College of Nursing and Health Sciences (CNHS) is committed to maintaining a drug-free workplace and academic environment. In compliance with Federal law, the University has adopted a University Drug-Free Workplace Policy that prohibits the illegal manufacture, distribution, dispensing, possession, or use of a controlled substance. All CNHS students, faculty, and staff must become familiar with and comply with this university-wide policy, which applies to behavior that not only occurs on the University campus but also on property owned or controlled by the University and/or a University-sponsored or University-supervised activity at other locations. This policy is accessible at

<http://www.jsu.edu/depart/undergraduate/catalog/pdf/jsucatalogue07-09.pdf>. The JSU College of Nursing and Health Sciences Impairment and Substance Abuse Testing Policy, as described below, is intended to compliment the University's Drug-Free Workplace Policy. This policy applies to CNHS students, faculty, and staff at any time and in any location while in a role affiliated with JSU.

II. Alabama Board of Nursing Requirements

Lurleen B. Wallace College of Nursing and Health Sciences students, faculty and professional RN staff shall comply with legal, moral, and legislative standards in accordance with the Alabama Law Regulating Practice of Registered Nursing (Alabama Board of Nursing, 2009). These standards determine unacceptable behavior of the nurse which may be cause for denial of license to practice as a registered nurse and are as follows:

“The board may also deny, revoke, or suspend any license issued by it or to otherwise discipline a licensee upon proof that the licensee: is guilty of fraud or deceit in procuring or attempting to procure a license; has been convicted of a felony; is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession; is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render him or her unsafe or unreliable as a licensee; has been convicted of any violation of a federal or state law relating to controlled substances; is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health or has willfully or repeatedly violated any of the provisions of this article, as defined by board rules and regulations” (Nurse Practice Act, Article 2, Section 34-21-25).

Nursing students must understand the Alabama Board of Nursing's regulations concerning candidate review of eligibility for initial and continuing licensure. Questions on the application for Licensure as a Registered Nurse by Examination include: (1) Have you ever been arrested or convicted of a criminal offense other than a minor moving traffic violation? (2) Have you within the last five years abused drugs/alcohol or been treated for dependency to alcohol or illegal chemical substances? (3) Have you ever been arrested or convicted for driving under the influence of alcohol/drugs? (4) Have you within the last five years received inpatient or outpatient treatment or been recommended to seek treatment for mental illness? (5) Have you ever had disciplinary action or is action pending against you by any state board of nursing? (6) Have you ever been placed on a state and/or federal abuse registry? (7) Have you ever been court martialled/disciplined or administratively discharged by the military? (www.abn.state.al.us)

The application for licensure by examination may be denied after the application has been reviewed. Each applicant is evaluated on an individual basis. The Board of Nursing cannot predetermine approval or denial of licensure until the entire application and supporting documentation has been received and reviewed.

III. Purpose

For obvious health and safety concerns, students, faculty, and staff must conduct health care and educational activities fully in control of their manual dexterity and skills, mental facilities, and judgment. The presence or use of drugs or alcohol, lawful or otherwise, which interferes with the judgment or motor coordination of nursing students, faculty, and staff in a health care setting, poses an unacceptable risk for patients, colleagues, the University, and affiliating clinical agencies. The College of Nursing and Health Sciences recognizes its responsibility to provide a safe, efficient academic environment for students, faculty, and staff and to cooperate with clinical agencies in providing for the safe and effective care of their patients during nursing students' clinical experiences in their facilities. Therefore, the following policy has been adopted to:

1. Prevent substance abuse and/or activities or behaviors a) that are prohibited by the University's Drug-Free Workplace Policy, state or federal laws or b) which may subject the involved student, other individuals, and the University to legal penalties or consequences, or c) which may cause a deterioration of the atmosphere and circumstances under which the care of patients and the nursing educational programs are conducted;
2. Cooperate with affiliating clinical agencies by requiring nursing students, faculty, and staff reporting to such agencies to consent voluntarily a) to allow those agencies to drug test the student in accordance with their policies, and b) to disclose any drug testing results to appropriate College of Nursing and Health Sciences officials; and
3. Require all students enrolled in clinical courses in the College of Nursing and Health Sciences to submit to pre-admission testing, random testing, and mandatory drug testing based upon reasonable suspicion of substance abuse.
4. Require all faculty and staff employed in the College of Nursing and Health Sciences to submit to pre-employment testing, random testing, and mandatory drug testing based upon reasonable suspicion of substance abuse.

IV. Definitions of Terms Used in Policy

Drug Testing means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.

1. Pre-clinical testing means that all students will be tested prior to engaging in any clinical activity and/or patient care.
2. Pre-employment testing means that all faculty and professional RN staff will be tested prior to employment in the College of Nursing and Health Sciences.
3. Random testing means that students, faculty, and professional RN staff will be arbitrarily selected for drug testing using a computerized system. This testing can occur at any time during employment or enrollment in upper division of the BSN or MSN program.
4. Reasonable suspicion testing means that evidence exists which forms a reasonable basis for concluding that it is more likely than not that a student, faculty, or staff has engaged in substance abuse. Facts which could give rise to reasonable suspicion include, but are not limited to: the odor of alcohol or drugs, impaired behavior such as slurred speech, decreased motor coordination, difficulty in maintaining balance, marked changes in personality or job performance, and unexplained accidents. Such evidence may come from a professional or expert opinion, layperson opinion, scientific tests, or other sources or methods.

Illegal drug means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose or by the person for whom it was prescribed; any over-the-counter drug being used at a dosage level other than that recommended by the manufacturer, or being used for a purpose other than the purpose intended by the manufacturer; and any drug being used for a purpose or by a person not in accordance with bona fide medical therapy. Examples of illegal drugs include, but are not limited to, stimulants, depressants, narcotic or hallucinogenic drugs, cannabis substances, such as marijuana and hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

Impaired means that a person's mental or physical capabilities are reduced below their normal levels (with or without any reasonable accommodation for a disability). An impaired student manifests deterioration in the level of function as compared to that previously observed, or the student does not function at a level normally expected under the prevailing circumstances. Impairment may exist in one or more multiple domains, including psychomotor activity and skills, conceptual or factual recall, integrative or synthetic thought processes, judgment, attentiveness, demeanor and attitudes as manifested in speech or actions. Impairment will include addiction to and/or physical dependence upon chemical substances.

Nursing student means any individual formally enrolled in the College of Nursing and Health Sciences in pursuit of the BSN or MSN degree, including registered nurses (RN) and students taking courses via distance education, regardless of the specific location of the student.

Faculty and staff means any person employed in the College of Nursing and Health Sciences.

Substance abuse means (a) the manufacture, use, sale, purchase, distribution, transfer, or possession of an illegal drug while on University or affiliated clinical site premises or while participating in any University or affiliated clinical site-sponsored or related activity, including any nursing-related course or clinical training activity; (b) the consumption, possession, or distribution of alcohol, unless approved by the University or clinical agency, by any nursing student, faculty, or staff while on University or affiliated clinical site premises or while participating in any University-or affiliated clinical site-sponsored or related activity, including any nursing-related course or clinical training activity; and (c) a student, faculty, or staff's use of alcohol or any drug in such a way that their performance in any nursing course, including activities at any clinical site, is impaired.

V. Policy Requirements

A. Drug and Alcohol Prohibitions and Duty to Notify of Drug/Alcohol Convictions

1. Substance abuse as defined in this policy, or a violation of any term of the Jacksonville State University Drug-Free Workplace Policy while engaged in any University affiliated experience is strictly prohibited. All students, faculty, and staff in the College of Nursing and Health Sciences courses or programs are required to abide by these rules when reporting to nursing-related courses and clinical experiences and while at affiliating clinical agencies (including parking lots and grounds).
2. Under no circumstance should nursing students, faculty, and staff participate in nursing-related courses or clinical activities while they are impaired.
3. Nursing students who violate these rules will be deemed to be unable to meet the essential qualifications/functions of the nursing curriculum. Nursing students determined to have violated these prohibitions shall be dismissed from the College of Nursing and Health Sciences.

4. A violation by any nursing student of any state or federal statute, or regulation established pursuant to such statute, pertaining to the manufacture, improper possession, sale, use, or distribution of a drug or alcohol is strictly prohibited. Any such violation must be reported to the Dean of the College of Nursing and Health Sciences within five days. Such violation, if substantiated, will result in disciplinary action up to and including student's dismissal from the College of Nursing and Health Sciences. A nursing student who fails to notify the Dean of the College of Nursing and Health Sciences within five days of an administrative action or legal conviction for any such violation shall result in dismissal from the College of Nursing and Health Sciences.
5. Faculty and staff determined to have violated these prohibitions shall result in termination from the College of Nursing and Health Sciences.

B. Student, Faculty, and Staff's Agreement to Submit to Drug Testing and to Consent to Release of Test Results to Dean of the College of Nursing and Health Sciences

1. The student must agree to submit to drug testing prior to being assigned to an affiliating agency, for random testing, and for reasonable suspicion. The nursing student shall sign a consent: a) to abide by the drug/alcohol policies and drug testing policies of each affiliating clinical agency in which a student is assigned; b) to submit to any drug/alcohol testing (random or reasonable suspicion) required by the College of Nursing and Health Sciences and/or the affiliating clinical agency; and c) to release a copy of any and all drug/alcohol test results to the Dean of the College of Nursing and Health Sciences (see Attachment A for consent). Failure to sign such consent shall be grounds for non-placement at an affiliating clinical agency and shall result in dismissal from the program.
2. Faculty and staff must agree to submit to drug testing prior to employment, random testing, and reasonable suspicion. Faculty and staff shall sign a consent: a) to abide by the drug/alcohol policies and drug testing policies of each affiliating clinical agency in which they are assigned; b) to submit to any drug/alcohol testing (random or reasonable suspicion) required by the College of Nursing and Health Sciences and/or the affiliating clinical agency; and c) to release a copy of any and all drug/alcohol test results to the Dean of the College of Nursing and Health Sciences (see Attachment B for consent). Failure to sign such consent shall result in termination.
3. A student, faculty, or staff's failure to submit to a required drug testing, or attempting to tamper with, contaminate, or switch a sample shall result in dismissal from the College of Nursing and Health Sciences.
4. The cost of all drug/alcohol testing required shall be borne by the student, faculty, or staff. Neither the University nor the College of Nursing and Health Sciences shall absorb drug/alcohol testing costs for students, faculty, or staff.

VI. Procedures for Drug Testing Requested by the College of Nursing and Health Sciences

A. Procedure for Pre-Clinical/Pre-Employment Drug Testing Requested by the College of Nursing and Health Sciences

1. Drug testing for pre-clinical generic students will be arranged by the College of Nursing and Health Sciences. The cost of this drug testing will be assumed by the student.

2. Drug testing for pre-clinical for **MSN students** will be arranged by the student, but must be conducted in a qualified laboratory setting. The cost of this drug testing will be assumed by the student. The student will be provided a list of specific drugs for testing by the Director of the MSN Program.
3. Drug testing for pre-employment for faculty and staff will be arranged by the College of Nursing and Health Sciences. The cost of this drug testing will be assumed by faculty or staff.
4. Drug testing will be conducted by a certified collector in accordance with established methods and procedures. Confidentiality of the student, faculty, and staff as well as the validity of the sample will be protected by the testing facility. The procedure for collection as determined by the collection site, will involve a urine sample, securable urine containers, and chain of custody procedures. This procedure ensures that the samples identified to a student, faculty, or staff actually contain materials from that individual, that the samples are protected from tampering, and that the analysis of them is done in accordance with federal guidelines.
5. The test shall screen for the use of drugs whose use is either illegal, or which are prone to abuse (including alcohol), as determined at the discretion of the Medical Review Officer of the testing facility, training hospital, College of Nursing and Health Sciences, or for the use of any drugs which are reasonably suspected of being abused or used by the student, faculty, or staff.
6. Non-negative test results will be confirmed by additional testing. If the test is positive, the entirety of the relevant available evidence, including health history, will be used to determine the presence or absence of substance abuse. Positive test results shall be documented in the students, faculty, and staff records in the College of Nursing and Health Sciences.
7. The Dean of the College of Nursing and Health Sciences will notify a student, faculty, or staff who has a positive drug test. If the results of a student, faculty, or staff tests confirms the presence of a prescribed drug (verified negative) the person may be required to obtain a written statement from the prescribing physician or a Substance Abuse Professional (at the discretions of the College of Nursing and Health Sciences) stating that the drug level is within prescribed limits and that the level does not indicate abuse. The prescribing physician or a Substance Abuse Professional must indicate that the drug will not interfere with safe practice in the clinical area.
8. Failure to submit to pre-clinical or pre-employment drug testing shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.
9. A positive substance abuse test shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.

B. Procedure for Random Drug Testing Requested by the College of Nursing and Health Sciences

1. Drug testing for random drug testing will be arranged by the College of Nursing and Health Sciences. The cost of this drug testing will be assumed by the student, faculty, or staff. Any “non-negative” screening that requires additional testing will be paid by the student, faculty, or staff. Failure to comply with all aspects of random testing will result in dismissal from the program.

2. Students, faculty, and staff will be arbitrarily selected for random drug testing using a computerized system.
3. Random drug testing can occur at any time.
4. Students, faculty, and staff will be notified by CNHS faculty/staff if their name is selected.
5. Students, faculty, and staff will be required to report immediately for testing as directed by faculty/staff of the College of Nursing and Health Sciences.
6. Drug testing will be conducted by a certified collector in accordance with established methods and procedures. Confidentiality of the student, faculty, and staff as well as the validity of the sample will be protected by the testing facility. The procedure for collection as determined by the collection site, will involve a urine sample, securable urine containers, and chain of custody procedures. This procedure ensures that the samples identified to a student, faculty, or staff actually contain materials from that individual, that the samples are protected from tampering, and that the analysis of them is done in accordance with federal guidelines.
7. The test shall screen for the use of drugs whose use is either illegal, or which are prone to abuse (including alcohol), as determined at the discretion of the Medical Review Officer of the testing facility, training hospital, College of Nursing and Health Sciences, or for the use of any drugs which are reasonably suspected of being abused or used by the student, faculty, or staff
8. Non-negative test results will be confirmed by additional testing. If the test is positive, the entirety of the relevant available evidence, including health history, will be used to determine the presence or absence of substance abuse. Positive test results shall be documented in the students, faculty, and staff records in the College of Nursing and Health Sciences.
9. The Dean of the College of Nursing and Health Sciences will notify a student, faculty, or staff who has a positive drug test. If the results of a student, faculty, or staff tests confirms the presence of a prescribed drug (verified negative) the person may be required to obtain a written statement from the prescribing physician or a Substance Abuse Professional (at the discretions of the College of Nursing and Health Sciences) stating that the drug level is within prescribed limits and that the level does not indicate abuse. The prescribing physician or a Substance Abuse Professional must indicate that the drug will not interfere with safe practice in the clinical area.
10. Failure to submit to immediate random testing shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.

11. A positive substance abuse test shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.

C. Procedure for Reasonable Suspicion Drug Testing Requested by the College of Nursing and Health Sciences

1. Any student, faculty, or staff who demonstrates behavioral changes reasonably suspected to be related to substance abuse as defined herein will be subjected to testing. A decision to drug test based on reasonable suspicion of substance abuse may be made by a faculty/staff member and/or the clinical agency. The nursing student, faculty, and staff's request to drug test will be documented (see Attachment C) and may be based on a variety of factors, including but not limited to:
 - a. observable phenomena such as direct observation of drug use and or physical symptoms or manifestations of being under the influence of a drug;
 - b. erratic behavior, slurred speech, staggered gait, flushed face, dilated/pinpoint pupils, wide mood swings, or deterioration of work or academic performance;
 - c. information that a student has caused or contributed to an accident that resulted in injury requiring treatment by a licensed health care professional;
 - d. substance abuse-related conviction by a court, or being found guilty of a substance abuse-related offense in another administrative or quasi-legal proceeding.
2. Drug testing for reasonable suspicion will be arranged by the College of Nursing and Health Sciences, unless done in cooperation with the affiliating clinical agency. The cost of this drug testing will be assumed by the student, faculty, or staff.
3. Drug testing will be conducted by a certified collector in accordance with established methods and procedures. Confidentiality of the student, faculty, and staff as well as the validity of the sample will be protected by the testing facility. The procedure for collection as determined by the collection site, will involve a witness to the voiding of the urine sample, securable urine containers, and chain of custody procedures. This procedure ensures that the samples identified to a student, faculty, or staff actually contain materials from that individual, that the samples are protected from tampering, and that the analysis of them is done in accordance with federal guidelines.
4. The test shall screen for the use of drugs whose use is either illegal, or which are prone to abuse (including alcohol), as determined at the discretion of the Medical Review Officer of the testing facility, training hospital, College of Nursing and Health Sciences, or for the use of any drugs which are reasonably suspected of being abused or used by the student, faculty, or staff
5. Non-negative test results will be confirmed by additional testing. If the test is positive, the entirety of the relevant available evidence, including health history, will be used to determine the presence or absence of substance abuse. Positive test results shall be documented in the students, faculty, and staff records in the College of Nursing and Health Sciences

6. The Dean of the College of Nursing and Health Sciences will notify a student, faculty, or staff who has a positive drug test. If the results of a student, faculty, or staff tests confirms the presence of a prescribed drug (verified negative) the person may be required to obtain a written statement from the prescribing physician or a Substance Abuse Professional (at the discretions of the College of Nursing and Health Sciences) stating that the drug level is within prescribed limits and that the level does not indicate abuse. The prescribing physician or a Substance Abuse Professional must indicate that the drug will not interfere with safe practice in the clinical area.
7. If the initial screening test is negative, that fact will be noted in the student's record. Unless there is compelling evidence to do otherwise, the preliminary investigation will cease and the student will be released from further action.
8. Failure to submit to drug testing for reasonable suspicion shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.
9. A positive substance abuse test shall result in dismissal from the program or termination from the College of Nursing and Health Sciences.

VII. Confidentiality

All drug testing results will be treated by the College of Nursing and Health Sciences as information that is received in confidence and shall not be disclosed to third parties unless disclosure is required by law, the information is needed by appropriate school officials to perform their job functions, disclosure is needed to override public health and safety concerns, or the student, faculty, or staff has consented in writing to the release of the information. The College and the University shall have the right to use and disclose the results of drug testing required by this policy in connection with internal academic purposes and in connection with the defense of any student grievance and any claims filed by a student, faculty, or staff, or by his/her personal representative, in any court of law or with any state or federal administrative agency.

VII. Appeal Process

A nursing student may appeal the college's decision to dismiss or not re-admit a student through the established Grievance Procedure.

Used with permission from *The University of Alabama Capstone College of Nursing, Substance Abuse Policy/Drug/Alcohol Testing Policy*.

Attachment A

LURLEEN B. WALLACE COLLEGE OF NURSING AND HEALTH SCIENCES

Consent to and Permission for Drug Screening

I have read, understand, and agree to abide by the impairment and substance abuse testing policy guidelines.

I hereby release the designated testing agency and its director, Jacksonville State University, and faculty of the College of Nursing and Health Sciences from any claim in connection with the drug screening guidelines.

I understand that in the event any legal action is taken as a result of the drug screening guidelines, confidentiality may no longer be maintained.

Student Signature

Date

Print Name

This form will be maintained by the College of Nursing and Health Sciences and will be disclosed to appropriate clinical agencies upon their request.

Attachment C

Lurleen B. Wallace College of Nursing and Health Sciences

Report of Reasonable Suspicion of Drug/Alcohol Use

To be completed by the student, faculty, or staff member observing suspected substance abuse.

1. Name of student, faculty, or staff suspected of substance abuse as defined in policy.

2. Reasons why you suspect the student, faculty, or staff of substance abuse. (Be as specific as possible, including times and dates when incidents occurred or unusual behavior was observed, the identity of any particular substance suspected of abuse, if known, and the names and whereabouts of those witnessing the incidents/behavior.) [Staple additional comments/observations to this document]

NOTE: Some types of information that should be documented if observed or known includes: speech (normal, incoherent, confused, change in speech, slurred, rambling, shouting, using profanity, slow); coordination (normal, swaying, staggering, lack of coordination, grasping for support); performance (unfair practices, unsatisfactory work); alertness (change in alertness, sleepy, confused); demeanor (change in personality, fighting, excited, combative, aggressive, violent, argumentative, indifferent, threatening, antagonistic); eyes (bloodshot, dilated); clothing (dirty, disheveled); odor of alcohol on breath); other observed actions or behaviors; unexplained absences or tardiness; whether student, faculty, or staff was found with drugs/alcohol or admitted to use of drugs/alcohol; whether other students, faculty, or staff have complained of the behavior and if so a list of witnesses to the behavior.

3. Based on the information above, it is my opinion that there is reasonable suspicion to believe that this student, faculty, or staff has engaged in substance abuse as defined in the College of Nursing and Health Sciences Impairment and Substance Abuse Testing Policy:

_____/_____/_____
Signature of Faculty/Staff Member Approving Drug Test

Date ____ Time _____

Printed Name of Faculty/Staff Member: _____ Title: _____

To be completed by the student, faculty, or staff to be tested (optional):

Are you taking any medications, or is there any other information you believe might explain your behavior or assist the Medical Review Officer and/or prescribing physician interpreting your test?

The original of this form should be given to the College of Nursing and Health Sciences Dean for inclusion in the student, faculty, or staff's confidential records. It may be disclosed on a "need to know" basis to clinical agencies and/or testing facilities.