PURPOSE

This establishes Creighton University Graduate Medical Education Office’s commitment to identify and procedure to deal with any resident who is impaired while at work. It also meets compliance requirements for house staff officers drug testing.

SCOPE

House Staff Officers are required to comply with this operating procedure:
The policy applies to all Creighton University residents, fellows and their respective training programs.

DEFINITIONS

- **Faculty**: Any individuals who have received a formal assignment to teach resident/fellow physicians. At some sites appointment to the medical staff of the hospital constitutes appointment to the faculty.

POLICY

While on Creighton premises and while conducting business-related activities off Creighton premises, no house staff officer may use, possess, distribute, sell or be under the influence of alcohol or engage in the unlawful distribution, manufacture, dispensing, possession or use of illegal drugs. Violations of this operating procedure may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

In keeping with the goals established by this operating procedure, house staff officers described in the scope of this procedure will be asked to provide body substance samples (e.g., blood, urine) to determine the illicit use of drugs and/or alcohol. Creighton will attempt to protect the confidentiality of all drug and/or alcohol test results. Where house staff officers are providing services in an affiliated clinical setting, the house staff officer will comply with that affiliate’s policies and procedures regarding drug testing.

In the cases of suspected diversion, house staff officers, their possessions, and Creighton-issued equipment and containers under house staff officer control are subject to search and surveillance at all times while on Creighton premises or while conducting Creighton business. House staff officer believed to be under the influence of drugs, narcotics or alcohol will be required to leave the premises.
PROCEDURE:

**House Staff Officer Responsibility**
1. Notify program director of prescribed drugs or narcotics which may affect work related job performance or behavior; provide acceptable medical documentation.
2. Notify program director of any investigations or discipline of the house staff officer by affiliated facilities for alcohol or drug related policy violations.
3. Any house staff officer who is convicted of an activity involving an illegal drug either on or off Creighton premises is in violation of this operating procedure. Any house staff officer who is convicted under a criminal drug statute must notify the Human Resources department of Creighton University in writing of such conviction no later than five calendar days after the conviction. In deciding what disciplinary action to take, Creighton may take into consideration:
   a. The nature of the offense charged.
   b. The safety requirements of the house staff officer’s present job assignment.
   c. The house staff officer’s performance record with Creighton.
   d. The house staff officer’s statement of facts.
   e. The disposition of the charge.
   f. The impact of the offense on Creighton and other relevant factors.

**Supervisor Responsibility**
1. Report to the Human Resources Department any house staff officer demonstrating significant and observable changes in house staff officer performance, appearance, behavior, speech, etc. which provides reasonable suspicion of being under the influence of drugs and/or alcohol.
2. If the Human Resources Department is unavailable, the program director in consultation with the GME office, shall determine whether the house staff officer should be required to submit to drug and/or alcohol test according to the procedures set forth below.

**University Human Resources Responsibility**
1. Provide program directors with training and/or guidelines in the recognition of symptoms and behavior indicating drug and alcohol use.
2. Review the facts of the situation and determine if house staff officer should be examined by physician or clinic and/or tested for drugs and alcohol.
3. Consult with appropriate facility medical personnel to determine if prescribed drug use will impact house staff officer’s ability to perform work safely and properly.
4. Arrange transportation for house staff officer believed to be under the influence of drugs, narcotics or alcohol.
5. Maintain confidentiality of all test results and retain records in a separate file.
Policies and Procedures

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General

Drug tests may be conducted in any of the following situations:

1. Pre-employment testing - As a pre-qualification to assuming any position, prospective house staff officers are required to provide a body substance sample for drug testing. This occurs in connection with the pre-employment medical examination.

2. Post-accident testing - Any current house staff officer who is involved in a serious incident or accident while on duty, whether on or off the Creighton’s premises, may be asked to provide a body substance sample for drug and/or alcohol testing.

3. Reasonable suspicion or “probable cause” testing - This test may be required if significant and observable changes in house staff officer performance, appearance, behavior, speech, etc. which provides reasonable suspicion of being under the influence of drugs and/or alcohol.

4. Random testing - A house staff officer who tests positive and who successfully completes a rehabilitation program may be subject to unscheduled testing for a 12 month period following reinstatement.

Testing Procedures

1. Whenever a program director reasonably suspects that a house staff officer is under the influence of drugs or alcohol and the house staff officer is in an affiliated clinical facility, the program director shall follow facility policy regarding drug testing.

2. Whenever a program reasonably suspects that a house staff officer is under the influence of drugs or alcohol and the house staff officer is not in an affiliated clinical facility, the program director should contact the Human Resources Department for further guidance. In the event the Human Resources Department is closed, the program director should document the house staff officer’s outwardly observable behavior/performance. The supervisor should consult with division leadership to determine whether a drug/alcohol test is appropriate. Arrangements must be made to escort the house staff officer to the collection location. Following the test, arrangements should be made to transport the house staff officer home. The house staff officer should be told immediately by a supervisor that he/she is exhibiting behavior that is affecting or interfering with the safety of the house staff officer, coworkers, and/or patients. The supervisor should request any house staff officer believed to be under the influence of drugs or alcohol to leave the work area immediately and arrange for the house staff officer to wait in a non-work area until a determination can be made as to whether the house staff officer is fit for duty or whether the house staff officer should be required to submit to a drug and/or alcohol test according to the procedures. The house staff officer should be given the opportunity to explain his/her behavior. Alcohol and/or drug tests administered because there is reasonable suspicion of drug and/or alcohol abuse will be performed at a Creighton-designated medical facility at Creighton's expense.

3. A house staff officer who is tested for reasonable suspicion may be put on leave from service until test results are received by Creighton. Such time away from work will be paid by Creighton, unless the house staff officer’s tests are confirmed positive.
Refusal to Submit to Drug Test  
1. Subject to any limitations imposed by law, a refusal to arrive to the testing location or provide a body substance sample under the conditions described above is considered insubordination and will result in termination of employment.

Consequences of a Positive Drug Test  
1. Applicants: In the event of a confirmed positive test result for prohibited drug use during a pre-employment drug test, the applicant will not be considered further for employment.
2. Current house staff officers: Before disciplinary action is imposed, house staff officer will be given the opportunity to explain positive test results.
   a. A house staff officer’s statement regarding drug or alcohol use should, whenever practical, be documented prior to initial testing.
   b. In cases where a positive drug test is confirmed, consideration will be given to rehabilitation where appropriate.
   c. Creighton’s Employee Assistance Program (EAP) provides confidential counseling and referral services to employees. The first time a house staff officer tests positive for drugs and/or alcohol, he/she automatically will be referred to EAP on a mandatory basis. House staff officers who test positive for drugs and/or alcohol will be required to provide proof of successful completion of a drug and/or alcohol abuse treatment or rehabilitation program such as those recommended/offered by the EAP before being considered for return to work.
   d. A house staff officer’s participation in Creighton's EAP will not necessarily avert appropriate disciplinary action for a violation of Creighton operating procedures, performance that is below Creighton's expectations, misconduct, safety violations or other infractions.
   e. A house staff officer who has been allowed to return to work after a confirmed positive test, normally will be terminated immediately for a confirmed positive result on any subsequent drug or alcohol test.
   f. A house staff officer who tests positive and who successfully completes rehabilitation will be subject to unscheduled testing for a 12 month period following reinstatement.

REFERENCES:
NE State Statutes

AMENDMENTS OR TERMINATION OF THIS POLICY
Creighton University reserves the right to modify, amend or terminate this policy at any time.