

MCNEESE STATE UNIVERSITY

**College Of Nursing
and
Allied Health Departments**

**EMPLOYEE AND STUDENT
DRUG TESTING PROTOCOL**

INTRODUCTION

The McNeese State University College of Nursing and Allied Health Departments, in response to clinical agency protocol and in support of a drug-free workplace, has initiated a drug testing program.

College of Nursing and Allied Health Departments Employee and Student Drug Testing Protocol

I. Approved Date:

II. Effective Date: December 2007

III. Approved by:

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OVERVIEW

I. PURPOSE

Drug testing in the College of Nursing and Allied Health Department are being done pursuant to La. R.S. 49:1015 as nursing faculty and students occupy both safety and security sensitive positions. Responsibilities include administering, monitoring, and accounting for controlled substances and their drugs. In addition, health care practitioners deal with patient care situations where critical thinking and judgment making must occur in a split second and where human life can be in jeopardy. Individuals practicing in a clinical setting who are impaired by drugs and/or alcohol may be placing themselves, as well as, the public at risk.

McNeese State University's College of Nursing and Allied Health Departments are committed to providing a safe, productive, healthy and wholesome environment for the public, patients, students, and employees. McNeese State University's College of Nursing and Allied Health Departments are committed to creating and maintaining a drug-free workplace pursuant to the federal Drug-Free Workplace Act of 1988, the Louisiana Drug Testing Act of 1990, the Drug-Free Public Housing Act of 1988 and the Drug-Free Schools and Communities Act of 1986.

II. SCOPE OF TESTING

- A. All new faculty hired after an offer has been made and as a condition of employment before starting work
- B. All new students admitted to the clinical component of the nursing curriculum after admission has been granted and as a condition of enrollment
- C. After reasonable suspicion of substance abuse by a current clinical faculty or student (also known as "for cause")
- D. Post accident or medication handling discrepancy for current clinical faculty or students
- E. Randomly in the Fall and Spring semesters of each academic year for current clinical faculty/students.
- F. All cancelled or dilute specimens will be retested under direct observation.
- G. Implementation of this policy requires an initial drug testing of all faculty and clinical students.

III. **WHO IS AFFECTED BY POLICY?**

Any person, paid or unpaid, in the service of the employer (MSU) in accordance with and pursuant to La. Statute # R.S. 49:1001.

- A. All W-2 employees of the College of Nursing and Allied Health Department in a clinical or non-clinical faculty capacity
- B. All students in the College of Nursing and Allied Health Department enrolled in clinical courses.

IV. **WHAT SUBSTANCES ARE TO BE TESTED?**

- A. Amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, opiates, phencyclidine, propoxyphene, methaqualone, meperidine, oxycodone, hydrocodone, hydromorphone, fentanyl [(15) fifteen panel screen]. Alcohol may be added at the discretion of the University.

V. **WHAT IS THE TESTING METHODOLOGY?**

- A. Urine testing for (15) fifteen drug panel
- B. Blood testing for alcohol at the discretion of the University
- C. Fifteen panel initially screened using immunoassay or EMIT technology
- D. Any drug initially testing positive is sent to a confirmation test using gas chromatography/mass spectrometry (GC/MS) technology
- E. Alcohol is tested using the GC/MS technology directly

VI. **WHO PERFORMS THE URINE TESTING?**

An independent toxicology laboratory that has SAMHSA (formerly NIDA) and/or CAP-FUDD certification will perform urine test.

VII. **WHO RECEIVES THE TEST RESULTS?**

All results will be reported to a Medical Review Officer (MRO) within (72) seventy-two hours, who will then follow approved protocol.

VIII. **WHAT IS THE CONSEQUENCE OF A CONFIRMED POSITIVE?**

- A. New hires who have a confirmed positive will have their employment offer rescinded.
- B. New clinical students who have a confirmed positive will have their acceptance to the clinical component rescinded.
- C. Currently employed faculty/enrolled students, having a confirmed positive, will be removed from the clinical component of the curriculum for the remainder of the affected semester and referred to the McNeese State University Counseling Center.
- D. Faculty/students may apply for reemployment/reenrollment after the first confirmed positive subsequent to completion of an approved rehabilitation program.
- E. Confirmed positives in two separate incidents will result in disciplinary action up to and including permanent termination of employment for faculty and disciplinary action up to and including permanent termination of enrollment in the clinical component of the program for students.
- F. All confirmed positive drug tests for nursing faculty/students will be reported to Louisiana State Board of Nursing (LSBN).

IX. **FINANCIAL**

- A. The cost of drug testing will be covered by each clinical department funds.

- B. A second testing after a confirmed positive may be at the applicant's/ employee's/student's expense.

DRUG-FREE WORKPLACE POLICY

I. **DEFINITIONS**

- A. CAP-FUDT Laboratory – a laboratory certified for forensic drug testing by the College of American Pathologists
- B. Chain of Custody – procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen
- C. Clinical Student – a student enrolled in a clinical course that requires clinical laboratory experience and who is involved in the aspects of actual or simulated clinical experiences
- D. Confirmatory Test – a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.
- E. Employee – any paid person in the service of the University
- F. Employer – McNeese State University
- G. Illegal Drug – includes narcotics, hallucinogens, depressants, stimulants, look-alike drugs, or other substances which can affect or hamper the senses, emotions, reflexes, judgment, or other physical or mental activities. Included are controlled medications without evidence of a legal prescription(s) by a licensed practitioner in a medical setting to address a specific physical, emotional or metal condition
- H. Initial Test – an immunoassay screen to eliminate “negative” urine specimens from further consideration
- I. Legal Drug – includes drugs prescribed by a licensed practitioner and over-the-counter drugs which have been legally obtained and are being used solely by the individual and for the purpose for which they were prescribed or manufactured in the appropriate amount

- J. Job-Related Accident/Injury – any employee/student behavior (action or inaction) which resulted in an accident, injury, or illness. Usually the accident/incident results in loss work time by an employee/student, serious or significant injury or illness to a patient, visitor, or co-worker, or an accident involving a vehicle, equipment or property
- K. Medication Handling Discrepancy – reliable objective information/observation from independent sources is evidence of drug tampering, misappropriation or inconsistency in medication administration records
- L. Medical Review Officer (MRO) – a licensed physician responsible for receiving laboratory results generated by employer or testing entity’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s positive test result together with his medical history and any other relevant biomedical information
- M. NIDA Laboratory – a laboratory certified for forensic urine [and/or blood and hair] drug testing by the National Institute on Drug Abuse (Now SAMHSA)
- N. New Student (clinical) – any student accepted for admission to the first clinical course(s) of the appropriate curriculum or any student applying to reenter a clinical course after being out of school for one year or more
- O. Reasonable Suspicion Testing – any employee/student may be tested who is suspected of being under the influence of alcohol or drugs where the suspicion is based on any or any combination of the following – observable phenomena, direct observation, physical symptoms, a pattern of abnormal or erratic behavior, reliable objective information/observation from independent sources or evidence of drug tampering or misappropriation
- P. SAMHSA – Substance Abuse and Mental Health Service Administration
- Q. Split Sample – one urine specimen from one individual that is separated into two specimen containers
- R. Student – any individual who is enrolled either part-time or full-time at the University in the appropriate curriculum
- S. Substance Abuse – is the term used to indicate excessive and /or inappropriate use as defined by this policy of a drug [alcohol]

regardless of whether an individual has reached the point of true dependence on it

- T. Supervisor – a manager/supervisor/faculty who, based on objective criteria, knowledge or training, has a reasonable suspicion that an employee/student may be under the influence of a drug [alcohol]
- U. Supposed to be Working – includes all time from the beginning to the end of an employee's/student's scheduled work period/class or clinical including overtime work, meals, and rest breaks
- V. Under the Influence – being unable to perform work in a safe and productive manner, being in a physical or mental condition which creates or is likely to create a risk to the safety and well-being of the individual, other employees, patients, the public, or hospital property. A positive test result is considered under the influence.
- W. While at work – includes all times when an employee/student is involved in the aspects of actual or simulated clinical experiences

II. **POLICY**

Drug testing in the College of Nursing and Allied Health Department are being done pursuant to La. R.S. 49:1015 as nursing faculty and students occupy both safety and security sensitive positions. Responsibilities include administering, monitoring, and accounting for controlled substances and other drugs. In addition, health care practitioners deal with patient care situations where critical thinking and judgment making must occur in a split second and where human life can be in jeopardy. Individuals practicing in a clinical setting who are impaired by drugs and/or alcohol may be placing themselves as well as the public at risk.

The use of illegal drugs and /or the abuse of legal drugs [or alcohol] by our employees (faculty/students) is incompatible with our goal of delivering the highest quality patient care. It is the policy of McNeese State University College of Nursing and Allied Health Departments to provide an environment that benefits all providers and recipients of our service.

We are committed to taking the steps necessary to provide this type of surrounding for our university and clinical communities. The University will provide counseling and referrals, and contract with an approved agency for testing for drugs and alcohol. Drug testing will include the following drugs: marijuana, opioids, cocaine, amphetamines, phencyclidine, barbiturates, benzodiazapines, methadone, propoxyphene, methaqualone, meperidine, oxycodone, hydrocodone, hydromorphone, fentanyl [(15) fifteen panel screen].

Alcohol may be added at the discretion of the University. The student must assume responsibility for the short-term and long-term rehabilitation services.

III. **SCOPE**

This policy applies to all applicants for the clinical component of the appropriate curriculum, applicants for faculty positions that involve clinical teaching, clinical students, and clinical faculty of McNeese State University College of Nursing and Allied Health Departments.

- A. Applicants – Following an employment/enrollment offer and prior to becoming an active clinical faculty/clinical student, the successful candidate will be required to provide a urine sample to screen for drugs. The candidate must test free of drugs as a condition of employment/enrollment.
- B. Employees (Faculty/Students) – Drug testing of current clinical employees, as defined above, will occur in the following situations:
 - 1. Reasonable Suspicion: Drug testing may be made only on the basis of a reasonable suspicion, based on specific objective facts and reasonable inferences drawn from those facts in light of experience that the clinical faculty/student is then under the influence of drugs or alcohol or that the clinical faculty/student has used a controlled substance within the twenty-four hour period prior to the required test. McNeese State University College of Nursing and Allied Health Departments reserve the right to require a drug test of any clinical faculty/student who is reasonably suspected by a supervisor of being under the influence of an illegal drug or is impaired on the job because of use/consumption of legal or illegal drugs and alcohol. When a clinical faculty/student is reasonably suspected by one or more supervisors of violating this policy and on the express authority of the highest officer in the appropriate College, the clinical faculty/student will be directed to cooperate in testing. The reasons for the testing will immediately be made known to the clinical faculty/student.
 - 2. Post Accident/Incident: Any clinical faculty/student involved in either a job-related accident or a job-related incident involving safety or patient care will be subject to drug testing.
 - 3. Periodic/After-care: Upon return from any absence for outpatient or inpatient treatment for substance abuse rehabilitation, whether it was at the recommendation of the

University or voluntary on the part of the clinical faculty/student, she/he will be required to submit to periodic and/or random testing and close performance monitoring by supervisors as part of a monitoring program established by the employer to assure compliance with a rehabilitation agreement. The clinical faculty/student may also be tested in accordance with established guidelines (e.g. Recovering Nurse Program).

4. Random Testing: Clinical faculty/students will be selected for drug testing pursuant to a scientifically valid random number program.

A faculty's/student's refusal to submit to a drug test will result in termination. Faculty/students who tamper with the testing process will be subject to re-testing and/or appropriate disciplinary action up to and including termination/dismissal.

IV. **STATEMENT OF CONFIDENTIALITY**

Except as otherwise provided by this policy, all drug testing under this policy will be done in strict confidence. Qualitative information regarding results, such as the identification of a substance, will be provided only to the designated Medical Review Officer pursuant to current law who will report final results to the appropriate university official. Results of the test will be released to appropriate licensing agencies (i.e., Louisiana State Board of Nursing) on a need to know basis. All drug test results will be maintained in separate health files with restricted access.

V. **CONSEQUENCES OF NON-COMPLIANCE/CONFIRMED POSITIVE TEST RESULTS**

- A. Applicants:
Confirmed positive test results or refusal to undergo post-offer drug screening will result in non-consideration for immediate employment/enrollment or withdrawal of any existing job/enrollment offer. Applicants testing positive may reapply in [(1) one year] following the date of previous positive drug result.
- B. Reasonable Suspicion/Post Accident:
 1. Faculty will be sent on leave, pending the result of the drug test. If the results are negative, the employee will be paid for the scheduled work time lost. If the results are confirmed positive, corrective action up to and including termination will be initiated. Faculty will be removed from the clinical component of the curriculum, and continued

employment may be offered to faculty who have completed their probationary employment period, contingent upon entry into and successful completion of a rehabilitation and/or EAP program approved by the University or licensing agency (e.g. Recovering Nurse Program).

Evidence of non-compliance with treatment guidelines, incomplete treatment, subsequent drug related misconduct, a subsequent confirmed positive test result, refusal to test or failure to abide by any part of a Return to Work Agreement between employee and employer will be grounds for immediate termination.

2. Students will not be allowed to return to clinical until results of the drug test are available. Students will be allowed to make up work missed if results are negative. If the results are positive, corrective action up to and including dismissal from the clinical component of the curriculum will be initiated.

A second incident of a confirmed positive drug test will result in disciplinary action up to and including permanent termination of enrollment in the clinical component of the program.

C. Random

1. Faculty:

If the results are confirmed positive, corrective action up to and including termination will be initiated. Faculty will be removed from the clinical component of the curriculum, and continued employment may be offered to faculty who have completed their probationary employment period, contingent upon entry into and successful completion of a rehabilitation and/or EAP program approved by the University or licensing agency (e.g. Recovering Nurse Program).

Evidence of non-compliance with treatment guidelines, incomplete treatment, subsequent drug related misconduct, a subsequent confirmed positive test result, refusal to test or failure to abide by any part of a Return to Work Agreement between employee and employer will be grounds for immediate termination.

2. Students:

If the results are confirmed positive, corrective action up to and including dismissal from the clinical component of the curriculum will be initiated.

A secondary incident of a confirmed positive drug test will result in disciplinary action up to and including permanent termination of enrollment in the clinical component of the program.

VI. **CHALLENGING A POSITIVE TEST**

- A. Applicant: In the event of a confirmed positive test result in the post-offer drug test, the employee (clinical faculty/student applicant) will not be considered for immediate employment/enrollment. He/she will be notified of the test results and informed that she/he will no longer be considered for immediate employment/enrollment. The applicant may reapply only after (12) twelve months have expired.

All applicants with a confirmed positive drug test will be allowed to challenge the results of the test within (7) seven working days of notification and in the following manner(s):

- If the individual wishes to challenge the test results, it is his/her responsibility to notify the MRO in writing.
- If the test of the first bottle is confirmed positive, and a split sample is collected, the faculty/student may request that the medical review officer direct that the second bottle be tested, at the faculty's/student's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within **(72) seventy-two hours** of the faculty's/student's having been given notice that he or she tested positive.
- The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test result must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.
- Action taken by the employer as the result of a positive drug test such as removal from performing a safety-sensitive function is not stayed pending the result of the second test.

- If the result of the second test is negative, the medical review officer shall cancel the positive results of the first test.

B. Current Faculty:

If the faculty wishes to challenge a confirmed positive test result he/she may do so in writing within (7) seven working days of notification and with the understanding that he/she will be placed on leave until the challenge is resolved.

All faculty with a confirmed positive drug test may contest the results in the following manner:

- A written request for such is submitted to the Medical Review Officer within (7) seven working days. (Faculty who are on legally prescribed and obtained medication for a documented illness, injury or ailment may be considered for continued employment only upon receiving clearance from the Medical Review Officer.)
- If the test of the first bottle is confirmed positive, and a split sample is collected, the faculty may request that the medical review officer direct that the second bottle be tested, at the faculty's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within (72) seventy-two hours of the faculty's having actual notice that he or she tested positive.
- The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test result must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.
- Action taken by the employer as the result of a positive drug test such as removal from performing a safety-sensitive function is not stayed pending the result of the second test.
- If the result of the second test is negative, the medical review officer shall cancel the positive results of the first test.
- If the results of the second test are negative, the faculty member will be paid for the scheduled work time lost.

C. Current Students:

In the event of a confirmed positive test result once a student is enrolled he/she may be offered continued enrollment subject to successful completion of a substance abuse rehabilitation program

approved by the University or licensing agency. (e.g. Recovering Nurse Program)

If the student wishes to challenge the test results he/she may do so within (7) seven working days of notification and with the understanding that he/she will be removed from clinical until the challenge is resolved.

All students with a confirmed positive test may contest the results in the following manner:

- A written request for such is submitted to the Medical Review Officer within (7) seven working days. (Students who are on legally prescribed and obtained medication for a documented illness, injury or ailment may be considered for continued enrollment only upon receiving clearance from the Medical Review Officer.)
- If the test of the first bottle is confirmed positive, and a split sample is collected, the student may request that the medical review officer direct that the second bottle be tested, at the student's own expense, in an NIDA-certified or CAP-FUDT-certified laboratory (or one which meets current state/federal certification requirements as outlined by appropriate laws) for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the medical review officer without regard to the cutoff values as listed in the NIDA guidelines. The medical review officer shall honor such a request if made within (72) seventy-two hours of the student's having actual notice that he or she tested positive.
- The second test must be equal to or of greater sensitivity for the drug in question as was the initial test. A copy of the second test must be submitted to the MRO before the applicant can be reconsidered for employment/enrollment.
- Action taken by the employer as the result of a positive drug test such as removal from performing a safety-sensitive function is not stayed pending the result of the second test.
- If the result of the second test is negative, the medical review officer shall cancel the positive results of the first test.

COLLECTION PROCEDURES CHECKLIST

Prior to Collection:

- Collection site facilities are clean, well lighted, and dedicated solely to collection during collection process.
- Collection site has enclosure where private urination can occur.
- Toilet for completion of urination or single use container with sufficient capacity to contain void.
- Suitable clean surface for writing.
- Toilet bluing agent put in toilet bowl. (If no bluing agent available, faculty/student is not to flush toilet until specimen is delivered to collection site person.
- No other source of water in enclosure where urination occurs.
- Secure site, i.e., lock any rear entrances and limit access to enclosure to one person at a time.
- Request photo identification from faculty/student. If no photo identification, identification by supervisor or manager who can give positive identification.
- Fill out chain of custody form. Do NOT have faculty/student sign before specimen given.
- Be sure laboratory has been instructed that all results go to MRO, not employer.
- Designate only one or a limited number of persons at employer to receive results from MRO.

COLLECTION PROCEDURES CHECKLIST

Collection (Unobserved):

- Have faculty/student remove unnecessary outer garments such as coat or jacket.
- Leave personal belongings such as purse or briefcase with outer garments.
[Note: May retain wallet.]
- Faculty/student instructed to wash and dry hands.
- If using a public rest room, collection site person remains in the rest room, but outside the stall. Collection site person should be same gender as faculty/student. If collection takes place where faculty/student goes into a separate room, with a fully closeable door, collection site person need not be same gender as faculty/student.
- Collection site person receives specimen from faculty/student.
- Faculty/student and collection site person sign chain of custody form and seal specimen.
- If testing for alcohol and/or additional drugs (beyond (5) five major ones), must have separate collection of specimen.
- Protocol for receipt of a split sample includes:
 - The donor shall urinate into a collection container, which the collection site person, in the presence of the donor, after the initial examination, pours into two specimen bottles.
 - The first bottle is to be used for the employer-mandated test, and at a minimum shall contain the quantity specified by the NIDA guidelines. If there is no additional urine available for the second specimen bottle, the first specimen bottle shall nevertheless be processed for testing.
 - Up to 60 ML of the remainder of the urine shall be poured into the second specimen bottle.
 - All requirements of this Part shall be followed with respect to both samples, including the requirement that a copy of the chain of custody form accompany each bottle processed under split sample procedures.

- The first sample of the split sample collection may be forwarded to an NIDA-certified or a CAP-FUDT-certified laboratory in compliance with the NIDA guidelines for initial and confirmatory testing in compliance with the regulations of this Chapter of pursuant to statutory or regulatory authority under R.S. 23:1081 et seq. or R.S. 23:1601.
- The second sample may be sealed, labeled, and stored for future use or used for testing for drugs not listed in the regulations of this Chapter. Any specimen collected under split sample procedures must be stored in a secured, refrigerated environment and an appropriate entry made in the chain of custody form.

COLLECTION PROCEDURES CHECKLIST

Collection (Reason for Direct Observation):

Under circumstances where there is reason to believe an individual may alter or substitute the specimen, collection under direct observation is permitted as per La. R.S. 49:1006. Direct observation of the individual during collection of the urine specimen may be allowed under any of the following conditions:

- There is reason to believe that the individual may alter or substitute the specimen to be provided.
- The individual has provided a urine specimen that falls outside the acceptable temperature range as listed in the NIDA guidelines.
- The last urine specimen provided by the individual was verified by the medical review officer as being adulterated based upon the determinations of the laboratory.
- The individual has previously been determined to have a urine specimen positive for one or more of the drugs tested of which is regulated by this Chapter, and is being tested for purposes of follow-up testing upon or after return to service.
- The type of drug testing is post-accident or reasonable suspicion/cause.

COLLECTION PROCEDURES CHECKLIST

Collection (Observed):

- A designated representative of the entity authorizing the drug testing shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. All direct observation shall be conducted by a same gender collection site person.
- Observer is same gender as faculty/student.
- Collection site person informs faculty/student that collection will be under direct supervision.
- Faculty/student washes and dries hands.
- Observer verifies that the specimen passes directly from faculty's/student's body into a container.
- Follow protocol for split sample if a split sample is required.
- Faculty/student is encouraged to wash hands after urination.
- Collection site person documents on chain of custody form that collection was done under direct observation.
- Faculty/student and collection site person sign chain of custody form and seal specimen.

COLLECTION PROCEDURES CHECKLIST

After Collection:

- Insure specimen is 60 ml (2 oz.)
- Measure temperature of specimen within 4 minutes of urination.
- Acceptable range is 90.5 to 99.8 degrees F.
- Inspect specimen's color and look for any signs of contaminants.
- Note any unusual findings on chain of custody form.
- Collection site person and faculty/student shall keep specimen in view at all times prior to it being sealed and labeled.
- Place tamper-proof seal on bottle.
- Complete chain of custody form. Faculty/student and collection site person sign form.
- Place specimen in proper mailing container, if appropriate.
- On tape sealing container, collection site person shall sign and date.
- Mail or deliver specimen to laboratory.
- Follow protocol for split sample if a split sample is required.

MEDICAL REVIEW OFFICER (MRO)

- Licensed physician responsible for receiving laboratory results generated by employer or testing entity's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his medical history and any other relevant biomedical information.
- Should not be an employee of laboratory unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest.

MRO DUTIES

- Shall receive all results from the laboratory.
- Shall give faculty/student opportunity to discuss a positive test result prior to a decision to verify result. Will contact faculty/student directly.
- May recommend the Compliance Officer of the appropriate department that the faculty/student be placed on temporary clinical leave or on temporary medically unqualified status if unable to contact faculty/student.
- May verify a test as positive if faculty/student declines the opportunity to discuss results, or if faculty/student is contacted and fails to contact MRO within (7) seven working days.
- After verifying a test as positive, refer faculty/student to the departmental Compliance Officer for referral to the McNeese State University Counseling Center, if applicable, or recommend to University that administrative action be taken, or both.
- MRO may authorize reanalysis of original sample and shall do so if faculty/student requests it within (72) seventy-two hours of the faculty's/student's having received actual notice of his/her positive test.
- MRO shall report a test as negative if there is a legitimate medical explanation for a positive test result or if the evidence is scientifically insufficient.
- MRO shall keep medical information confidential.
- MRO will report all results to the appropriate departmental Compliance Officer.

APPENDIX A

FORMS

APPLICATION CONSENT FORM

Applicant Name: _____

W#: _____

Applicant Consent

I, _____ authorize _____ physicians and staff to collect urine [and/or blood and hair] to screen for drug abuser as part of my enrollment/employment. I realize that if I do not pass the standards established I will be disqualified as a student/applicant. I am also aware that I may be subject to random drug testing during the course of my enrollment/employment.

Prescription drugs with additional potential may appear in the urine [and/or blood and hair]. Example: Cough medicine with Codeine, tranquilizers, pain pills such as Darvon, headache pills such as Fiorinal and/or sleeping pills, etc. I understand that I must list at the bottom of this form any of these medications, if I have taken one or more in the last 30 days. I will be required to provide proof that these drugs were legally prescribed for and obtained by me. The prescription or the prescription bottle must be provided at the time the sample is collected.

Signature of Student/Employee

Date

Witness Signature

Please list all prescription and over-the-counter drugs taken during the last 30 days.

SIGNATURE OF APPLICANT

DATE

**AGREEMENT TO SUBMIT TO DRUG SCREEN BY URINE
[and/or BLOOD AND HAIR] TEST**

**AND AUTHORIZATION FOR THE RELEASE OF MEDICAL INFORMATION
TO MCNEESE STATE UNIVERSITY COLLEGE OF NURSING
OR ALLIED HEALTH DEPARTMENTS**

I have been requested to submit to a drug screen by a urine [and/or blood and hair] test and medical assessment.

I have been informed and I understand, that my agreement to submit to the requested drug screens by a urine [and/or blood and hair] test is completely voluntary on my part, and that I have the right to refuse to submit to the test. I am aware and have been told that my refusal to submit to the drug screen by a urine [and/or blood and hair] test and/or medical assessment may be grounds for disciplinary action against me up to and including termination/dismissal.

I have also been informed and am aware and hereby authorize that the results of this drug screen by a urine [and/or blood and hair] test and/or medical assessment may be released to the departmental Compliance Officer, Louisiana State Board of Nursing, and such other University officials as may be determined necessary. I understand that the information so released to the University will be used to determine whether I was fit to perform my assigned responsibilities, and/or whether I had violated the university's policies concerning drug use and that the results of such test(s) may form the basis for disciplinary action against me, up to and including termination/dismissal.

With full knowledge of the above information, I have decided to voluntarily agree and submit to the requested drug screen by a urine [and/or blood and hair] test and/or medical assessment.

Date

Faculty/Student Signature

NOTE:

A witness other than the supervisor who has requested that the faculty/student submit to a drug screen by a urine [and/or blood and hair] test and/or medical assessment should also sign the consent form.

Date

Witness Signature

Supervisor or Faculty Signature

**REFUSAL TO SUBMIT TO DRUG SCREEN BY URINE
[and/or BLOOD AND HAIR] TEST**

I hereby refuse to authorize testing of my urine [and/or blood and hair] for drugs. I understand that my refusal means that I cannot complete a medical exam/drug screen. If I am an applicant, I understand I will not be considered further for employment/enrollment. If I am a faculty/student, such refusal will result in disciplinary action up to and including termination/dismissal.

_____ Faculty/Student refused to sign

Date

Faculty/Student Signature

Date

Witness Signature

Date

Supervisor Signature

**RETURN TO WORK
CONTINUATION OF EMPLOYMENT
AGREEMENT**

I, _____ affirm that I am recovering from an addiction to or abuse of _____. I understand that my continued recovery is my responsibility and that in support of my recovery, McNeese State University will allow me to continue my employment as a faculty member in the College of Nursing or Allied Health Departments under the following conditions:

I understand that in addition to fulfilling all of my normal employment obligations and satisfactorily discharging all of the duties and responsibilities of my position including attendance, I consent and agree to the following conditions:

1. To abstain from using, possessing or trafficking in drugs;
2. To cooperate in an evaluation for chemical dependency and to complete successfully all recommended treatment, including aftercare, and to provide documentation of such treatment and care as may be required by the University;
3. The nursing faculty is obligated to declare substance abuse to LSBN.
4. To authorize all persons involved in evaluating or treating me to disclose to my employer that evaluation, and evidence that I am using drugs [and/or alcohol], and whether I have successfully completed treatment;
5. To cooperate in any and all random follow-up tests (including periodic testing) for evidence of drug [and/or alcohol] use requested by the University in the next _____ months;
6. That refusal to test will result in immediate termination of my employment;
7. That a confirmed positive test result of an illegal drug, [alcohol, or abusive use of a legal drug] will result in immediate termination of my employment;
8. Any on or off the job accident, injury, illness, or medical procedure requiring prescription drugs will be reported to my treatment care supervisor, [Employee Assistance Program Representative] Human Resource Director and Supervisor immediately. Failure to make full disclosure may result in disciplinary action up to and including termination. Full disclosure will minimally consist of the following:
 - a. Nature and severity of accident, injury, illness or medical procedure
 - b. Name of treating physician
 - c. All drugs prescribed, amounts and number of days supply

- d. Expected duration of need for medication
- e. Authorization to physician to release and verify information

I further understand that McNeese State University will bear no financial responsibility for my recovery as is the case with any other illness.

Any failure on my part to fully comply with and participate in this Agreement will be grounds for immediate termination of my employment.

Compliance with this Agreement in no way implies a guarantee of employment and I understand that I may be terminated with or without cause or for lack of work, attendance or performance problems, rule violations, business necessity or other reason, notwithstanding my compliance with this Agreement.

I understand that if any one or more of the conditions or portions of the Agreement become unenforceable, null, or void, it will in no way impact the enforceability of the remaining components of this agreement.

I have read and understand this Agreement and certify that I am competent to execute it and that I am entering into it freely and voluntarily after a reasonable opportunity for deliberation and consultation.

Employee Signature

Date

Employer Representative Signature

Date

Witness Signature

Date

APPENDIX B

MRO PROTOCOL

MEDICAL REVIEW OFFICER (MRO) DUTIES AND SERVICES PRINCIPAL MRO DUTIES

- Receive all test results
- Review and verify confirmed positive test(s)
- Notify faculty/student of results within “reasonable time”
- Contact should be directly between MRO and faculty/student
- Provide faculty/student opportunity to discuss result
- Review faculty’s/student’s medical history
- Review medical records and other biomedical factors as appropriate
- Examine faculty/student as appropriate
- Verify laboratory report and assessment
- Notify designated University official of confirmed positives as well as those that are negative
- Process retest request of faculty/student(s), if a request is made in appropriate time frame
- Follow procedures as listed above for retest
- Make return-to-work/clinical decisions

RECEIPT OF LABORATORY TEST RESULTS

- All results (positive and negative) are transmitted directly to MRO
 - Results can be transmitted by secure electronic means or by mail
 - Results may not be transmitted over the phone
 - MRO does not necessarily review negative reports but receives negative reports and reports them to designated University official
-

VERIFICATION AND REPORTING

- Enter a signed verification statement on laboratory test report
 - Provide copies of verified report to faculty/student and appropriate University official(s)
 - Maintain documents that support the determination
-

RETEST REQUEST

- “Confirmed” positive faculty/student may request retest
- Retest only after MRO has confirmed test as positive to University Official
- Request must be in writing to MRO within 7 days to contest a confirmed positive
- Retest of split sample must be requested by faculty/student within 72 hours of being notified of the confirmed positive
- Faculty/student will be requested to pay for retest
- MRO notifies faculty/student of results of second test

RECORD KEEPING BY THE MEDICAL REVIEW OFFICER

- Laboratory test results
- Custody and control forms
- Certified copy of custody and control form
- Verification statement
- Laboratory performance testing results
- Follow-up testing results
- MRO verification worksheet
- Medical records and information (confidential)
- Restricted release of information