

The University of Alabama Capstone College of Nursing Substance Abuse Policy and Drug/Alcohol Testing Policy

I. Required Adherence to University's Drug-Free Campus and Work Place Policy

The University is committed to maintaining a drug and alcohol-free workplace and academic environment; therefore, the use of illegal drugs and the unauthorized use of alcohol by members of the University of Alabama community will not be tolerated. Accordingly, the University has adopted a Drug-Free Campus and Work Place Policy that requires students attending or participating in university-sponsored activities to do so free from the presence of illegal drugs and/or the unlawful possession or use of alcohol. This policy is accessible at <http://policies.ua.edu/drugfree.html>. All Capstone College of Nursing students must become familiar with and comply with this university-wide policy, which applies to behavior that occurs not only on the University campus, but also on property owned or controlled by the University and at University-sponsored or University-supervised activities, such as student nursing activities at affiliating clinical agencies. In addition, all students are subject to all applicable federal, state and local laws addressing illegal drug and alcohol use, which are briefly described in the above-mentioned policy, as well as in the University's Student Code of Conduct. The Capstone College of Nursing Substance Abuse Policy and Drug/Alcohol Testing Policy, as described below, is intended to complement the University's Drug-Free Campus and Work Place Policy.

II. Purpose of Substance Abuse and Drug/Alcohol Testing Policy

For obvious health and safety concerns, nurses must conduct health care and educational activities as fully in control of their manual dexterity and skills, mental faculties, and judgment as possible. The presence or use of drugs or alcohol, lawful or otherwise, which interferes with the judgment or motor coordination of nursing students in a health care setting poses an unacceptable risk for patients, colleagues, the University, and affiliating clinical agencies. Preventing and/or detecting substance abuse, as defined below, is particularly critical in the Capstone College of Nursing's Upper Division of the BSN program and the MSN program, where students spend a considerable amount of time learning patient care in a variety of clinical settings. The Capstone College of Nursing recognizes its responsibility to endeavor to provide a safe, efficient academic environment for students 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) Proscribe substance abuse and/or activities or behaviors a) that are prohibited by the University's Drug-Free Campus and Work Place Policy, 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) Identify students in the upper division of the BSN program or in the MSN program who may have a drug or alcohol-related impairment or conviction that may impact their ability to learn safe nursing care practices or that may create unacceptable risks for the University or clinical agencies in which students have clinical experiences;
- 3) Cooperate with affiliating clinical agencies by requiring nursing students 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 Capstone College of Nursing officials; and

- 4) Require all students enrolled in the Capstone College of Nursing to submit to mandatory drug testing based upon reasonable suspicion of substance abuse.

III. 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.

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 Capstone College of Nursing in pursuit of the BSN or MSN degree, including registered nurses (RN) and students taking courses via distance education, special students, or in post-graduate study, either alone or in combination with any other degree, regardless of the specific location of the student.

Reasonable suspicion means that evidence which forms a reasonable basis for concluding that it is more likely than not that a person 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.

Substance abuse means (a) the manufacture, use, sale, purchase, distribution, transfer, or possession of an illegal drug by any nursing student 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 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 nursing student's use of alcohol or any drug in such a way that the student's performance in any nursing course, including activities at any clinical site, is impaired.

III. Policy Requirements

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

1. Substance abuse as defined in this policy, or a violation of any term of the University of Alabama Drug-Free Campus and Work Place Policy while engaged in any clinical experience is strictly prohibited. All students enrolled in Capstone College of Nursing 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). Nursing students who violate these rules may be deemed to be unable to meet the essential qualifications/functions of the nursing curriculum and therefore may be deemed to be "unqualified" to remain a nursing student.
2. Under no circumstance should nursing students participate in nursing-related courses or clinical activities while they are impaired.
3. Nursing students determined by appropriate Capstone College of Nursing officials to have violated these proscriptions may be subjected to a variety of academic-related sanctions, up to and including dismissal from the Capstone College of Nursing.
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. Such violation, if substantiated, will subject the student to dismissal from the Capstone College of Nursing. A nursing student who fails to notify the Dean of the Capstone College of Nursing within five days of an administrative action or legal conviction for any such violation will be subject to dismissal from the Capstone College of Nursing.

B. Required Disclosure of Drug Use/Non-Use For Students in the Upper Division of the BSN Program or in the MSN Program

1. Students in the Upper Division of the BSN program or in the MSN program will be required to provide (among all other items of information) a signed statement that he or she does or does not engage in substance abuse activities as defined herein. Further, he or she must indicate any current administrative action or prior legal convictions pertaining to the manufacture, use, possession, sale or other distribution of illegal or legally controlled substances; pertaining to or related to the abuse of alcohol or any other chemical substance; and the consequences of any such convictions or administrative actions. (see *Attachment A*)
2. Whenever a nursing student's academic or clinical performance is impaired, particularly in the clinical setting, the University reserves the right to require the student to submit to drug testing. See Section III D below.
3. Failure to provide the above-required information, past legal convictions for activities related to illegal or legally controlled substances, and/or information or evidence that reasonably establishes a past pattern of chemical substance abuse will be grounds for dismissal from the program. However, prior legal convictions related to chemical substances will be considered along with all other information pertaining to the individual, and will not produce automatic dismissal from the program. Discovery that false or fraudulent or misleading information was provided prior to matriculation will be grounds for dismissal from the program.

C. Student's Agreement to Submit to Drug Testing by Affiliating Clinical Agencies and to Consent to Release of Test Results to College Officials

1. For all affiliating clinical agencies which require nursing students to be subject to the agency's drug/alcohol testing policies (including but not limited to pre-employment or pre-clinical placement testing or when there is reasonable suspicion to believe that a student may be impaired or is or has been engaged in substance abuse as defined herein), the student may be tested in accordance with the affiliating agency's policies.

2. Prior to being assigned to an affiliating clinical agency and as a pre-requisite for placement at any affiliating clinical agency, 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 required by the affiliating clinical agency; and c) to release a copy of any and all drug/alcohol test results to the Capstone College of Nursing Associate Dean for Academic Programs and/or other appropriate College of Nursing officials. (see *Attachment B* for consent). Failure to sign such a consent shall be grounds for non-placement at an affiliating clinical agency and may result in a dismissal from the program.

3. The cost of all drug/alcohol testing required by affiliating clinical agencies shall be borne by the student or affiliating clinical agency, as determined by the affiliating clinical agency. Neither the University nor the Capstone College of Nursing, or any of its officers or employees, shall absorb drug/alcohol testing costs arising out of any nursing student's placement at an affiliating clinical agency.

4. A positive substance abuse test result shall be grounds for dismissal from the program on the basis that the student is not able to meet the course objectives for clinical practicums. The Capstone College of Nursing Associate Dean for Academic Programs will notify a student who has a positive drug test. If a student tests positive for a prescribed drug, however, the person must obtain a written statement from a qualified physician stating that the drug level is within prescribed limits and that the level does not indicate abuse. The physician must indicate that the drug will not interfere with safe practice in the clinical area.

5. A student's failure to submit to a required drug screen, or attempting to tamper with, contaminate, or switch a sample will result in the student not being allowed to meet objectives for the clinical course; therefore, progression in the program will not be permitted.

D. Reasonable Suspicion Drug Testing Requested by Capstone College of Nursing

1. Any nursing student 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 member and/or the clinical agency. The nursing faculty member'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:

- observable phenomena such as direct observation of drug use and or physical symptoms or manifestations of being under the influence of a drug;
- erratic behavior, slurred speech, staggered gait, flushed face, dilated/pinpoint pupils, wide mood swings, or deterioration of work or academic performance;
- information that a student has caused or contributed to an accident that resulted in injury requiring treatment by a licensed health care professional;

- 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. The Drug Testing Procedure set forth below will be followed if this mandatory reasonable suspicion drug testing is requested by Capstone College of Nursing officials, including faculty members:

- a) Drug tests will be arranged by the Capstone College of Nursing, unless done in cooperation with the affiliating clinical agency. The cost of this drug testing will be borne by the Capstone College of Nursing or clinical agency.
- b) Tests will be conducted by a qualified laboratory in accordance with established methods and procedures. Confidentiality of the student 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 that ensure that the samples identified to a nursing student actually contain materials from that student, that the samples are protected from tampering, and that the analysis of them is done in accordance with reasonable and accepted medical standards.
- c) 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, or for the use of any drugs which are reasonably suspected of being abused or used by the student.
- d) Presumed positives will be confirmed by the best currently available techniques. If the test is positive, the entirety of the 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 student's nursing records in the Capstone College of Nursing.
- e) The testing laboratory will notify the specified physician in the Russell Student Health Center of test results if the test was requested by the Capstone College of Nursing, or will notify the Associate Dean for Academic Programs of test results if the test was requested by a clinical agency.
- f) 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.

3. A nursing student will be dismissed from the Capstone College of Nursing if a) the student refuses to submit to drug testing based upon reasonable suspicion; or b) a student's drug testing results are positive.

4. Licensed nursing students who refuse to submit to drug/alcohol testing based upon reasonable suspicion or who have positive drug test results will also be reported to the appropriate state board of nursing. Full reinstatement of licensure will be required for an unrestricted return to the educational program.

E. Confidentiality

All drug testing results will be treated by The Capstone College of Nursing 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 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, or by his/her personal representative, in any court of law or with any state or federal administrative agency.

IV. Procedures for Readmission After Positive Drug Test

A. Readmission Prerequisites

A student who is dismissed from the Capstone College of Nursing due to a positive drug test will be considered for readmission if the following conditions are met:

1. Submission of a verifiable letter from a recognized drug treatment agency stating that the student has successfully completed a substance abuse program.
2. Submission to a drug test prior to readmission. This drug test will be at the student's expense. A positive drug test will result in ineligibility for readmission.
3. Submission to drug tests as requested by the Capstone College of Nursing or clinical agencies after readmission.

B. Incidence of Reoccurrence after Readmission

A student who is re-admitted to the nursing program, and thereafter tests positive for any drug/alcohol test or is otherwise determined to have engaged in substance abuse as defined herein, will be dismissed from the program and will be ineligible to return. Furthermore, the student will be ineligible to receive a letter of good standing from the nursing program.

C. Appeal Process

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