

SUBSTANCE ABUSE AND DRUG/ALCOHOL TESTING POLICY

I. Purposes of Substance Abuse and Drug/Alcohol Testing Policy

For obvious health and safety concerns, nurses must conduct health care and educational activities fully in control of their manual dexterity and skills, mental faculties, and judgment. The presence or use of drugs or alcohol, lawful or otherwise, which interferes with the judgment or motor coordination of nursing students in a healthcare setting, poses an unacceptable risk for patients, colleagues, Moravian University, and affiliating clinical agencies. Preventing and/or detecting substance abuse, as defined below, is particularly critical in the clinical portion of the nursing program, where students spend a considerable amount of time learning patient care in a variety of clinical settings. The School of Nursing (SON) 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, whether they are observing and/or practicing as a nursing student. Therefore, the following policy has been adapted to:

1. Proscribe substance abuse and/or activities or behavior that may cause a deterioration of the atmosphere and circumstances under which the care of patients and the nursing educational programs are conducted;
2. Ensure that students entering the clinical portion of the nursing program, or already participating in clinical experiences, do not have a substance misuse problem that may impact their ability to learn safe nursing care practices or that may create unacceptable risks for Moravian 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 the Associate Dean, Helen S. Breidegam School of Nursing; and,
4. Require all students enrolled in the SON to submit to mandatory drug testing based upon reasonable suspicion of substance abuse.

II. Drug-Free Schools and Communities Act Amendments Policy Statement

In addition to the health and safety concerns discussed above, the SON is committed to complying with all applicable laws including without limitation the Drug-Free Schools and Communities Act Amendments of 1989, 20 U.S.C. § 1145g. As part of its Substance Abuse Prevention Program, the SON strictly prohibits substance abuse (as defined below) while on any affiliated clinical agency's property or while participating in any or affiliated clinical agency-sponsored or related activity, including but not limited to any course or clinical experience. Without limiting the generality of the prohibition of substance abuse as stated above, alcoholic beverages shall not be served to students at school-sponsored functions.

A "School-sponsored function" shall be any event at any location that is sponsored or paid for by the SON or any officer, employee, or agent of the Nursing Program in his or her capacity as a representative of the University. Functions organized by students of registered student organizations shall not be deemed to be sponsored by the University within the meaning of this policy statement.

Any student found in violation of the Substance Abuse and Drug/Alcohol Testing Policy shall be subject to any or all of the following disciplinary actions (consistent with local, state, and federal law), including without limitation, participation in substance abuse treatment program, dismissal from the program, and/or referral for prosecution. The SON also may initiate disciplinary action if it is determined that any off-campus activity has an adverse effect upon the school or upon individuals of this community.

Any violation of the Substance Abuse and Drug/Alcohol Policy may also lead to a violation of the Moravian University Student Code of Conduct which will be referred to the Office of Student Accountability and Conflict Transformation. The SON will review its substance abuse prevention program to determine its effectiveness, implement changes, if needed, and ensure that the disciplinary sanctions are consistently enforced.

III. Definitions of Terms Used in Policy

Drug test or 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.

Manufacturing, purchasing, possessing, using, distributing, or possessing for the purpose of distributing, any illegal drug, controlled substance (without a prescription), or drug paraphernalia. Illegal drugs are those whose manufacture, use, possession or distribution are prohibited by state or federal law. Controlled substances are those whose manufacture, use, possession, or distribution is regulated by state or federal law. Cannabis is a controlled substance under federal law and its possession and use, even for medical reasons, is prohibited on property owned or operated by the University or at University-sponsored or affiliated programs and events.

Impaired means that a student'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 multiple domains, including psychomotor activity and skills, conceptual or factual recall, integrative or synthetic thought processes, judgment, attentiveness, demeanor and attitude as manifested in speech or actions. Impairment will include an active addictive disease and/or physiological or psychological dependence upon chemical substances, for which the student is not receiving treatment.

Reasonable suspicion means that evidence which forms a reasonable basis for concluding that it is more likely than not that a person is 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 illicit drug by any nursing student while on affiliated clinical agency's premises or while participating in any affiliated clinical agency-sponsored or related activity, including any course or clinical experience; (b) the consumption, possession, or distribution of alcohol, unless approved by the SON or clinical agency, by any nursing student while on any affiliated clinical agency's premises or while participating in any affiliated clinical agency-sponsored or related activity, including any course or clinical experience; and (c) a nursing student's use of alcohol or any drug in such a way that the student's performance is impaired in any course or clinical experience at any affiliated clinical agency.

IV. Policy Requirements

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

1. Substance abuse, as defined in this policy, is strictly prohibited. All students enrolled in Moravian University courses or programs are required to abide by these rules when reporting to 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.
2. Under no circumstances may a nursing student participate in any nursing-related course or clinical activity while they are impaired.
3. Any nursing student determined to have violated these policies will be subject to disciplinary action, up to and including dismissal from the Nursing Program.
4. A violation by any nursing student of any state or federal statute, or regulation, pertaining to the manufacture, use, sale, purchase, distribution, transfer, diversion or possession of a drug or alcohol is strictly prohibited. Such violation, if substantiated, may result in disciplinary action, up to and including the student's dismissal from the nursing program. A nursing student who fails to notify the Associate Dean of the Helen S. Breidegam School of Nursing within five days of an administrative action or legal conviction for any such violation also will be subject to dismissal from the nursing program.

B. Student's Agreement to Submit to Drug Testing and to Consent to Release of Test Results to School Officials

1. Prior to entering the clinical component of the program, at the random discretion of the Associate Dean of the Helen S. Breidegam School of Nursing, and when required by any affiliating clinical agency, the nursing student may be tested in accordance with this policy and/or the affiliating agency's policies (including but not limited to policies requiring pre-placement drug testing, random drug testing, or when there is reasonable suspicion to believe that a student may be impaired or engaged in substance abuse).
2. Prior to entering the clinical component of the program, the nursing student shall sign a consent: a) to abide by this policy and 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 testing

required by this policy and the affiliating clinical agency; and c) to release a copy of any and all drug test results to the Associate Dean (See [Attachment A](#), “Student’s Consent to Drug/Alcohol Testing and Release and Student’s Consent to Release Test Results to Nursing Program Form”). Failure to sign such a consent will result in non-placement into the clinical component of the program and/or the particular clinical experience at an affiliating clinical agency, and may result in disciplinary action, up to and including dismissal from the program.

3. In addition to any and all other prerequisites for entering the clinical component of the program, all nursing students will be required to submit to drug testing within forty-eight (48) hours of the first meeting of the clinical course. The SON’s staff will make the necessary testing arrangements with a qualified laboratory. Students will be expected to provide their own transportation to the collection/laboratory site. The testing methods and procedures will be the same as those summarized below in connection with reasonable suspicion testing. The nursing students’ semester fee will cover the cost of this procedure.

4. The cost of any pre-placement drug testing that may be required by affiliating clinical agencies shall be borne by the student or affiliating clinical agency, as determined by the affiliating clinical agency. Neither the SON nor University shall absorb drug-testing costs arising out of any nursing student’s placement at an affiliating clinical agency.

5. A positive drug test will result in disciplinary action, up to and including dismissal from the program.

6. A student’s failure to submit to a required drug test, or attempt to tamper with, contaminate, or switch a sample will result in disciplinary action, up to and including dismissal from the program.

7. The Associate Dean will notify a student who has a positive drug test, or has violated this policy otherwise, and explain the consequences thereof.

C. Reasonable Suspicion Drug Testing Requested by the School of Nursing

1. Any nursing student who demonstrates behavioral changes reasonably suspected to be related to substance abuse as defined herein may be required to submit to drug testing. A decision to drug test based on reasonable suspicion of substance abuse may be made by SON officials, including a faculty member, and/or an affiliating clinical agency. The faculty member’s request to drug test will be documented (see [Attachment B](#), “Report of Reasonable Suspicion of Drug/Alcohol Use Form”) 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 or alcohol;
- Erratic behavior, slurred speech, odor of alcohol on breath, 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 apply if this mandatory reasonable suspicion drug testing is requested by Moravian University nursing officials, including faculty members:

- A. The faculty member will have another faculty member or licensed health care professional confirm the suspicious behavior. If a preceptor reports behavioral changes, the faculty will ask the preceptor to have another licensed health care professional confirm the behavior.
- B. The student will be asked to leave the area and go with a faculty member and a witness (as defined above) to discuss the situation in a location ensuring privacy and confidentiality. The discussion will be documented, and the decision to refer for drug testing will be made after consultation with the Associate Dean or a designee. In the case of a practicum situation, faculty may visit the site or confer by phone with the student. A witness should be included in the phone conference.
- C. If the decision is to refer the student for drug testing, the student should be instructed on where and when to report for testing, depending upon where the student is at the time reasonable suspicion is determined. The student should be instructed to report for testing immediately if possible, or as soon as practicable under the circumstances.
- D. The student will be asked to remain in the facility in question until the faculty member has an opportunity to assist them in finding safe transportation to their home. Transportation, at the student's expense, will then be accomplished by calling a family member, public transportation or taxi. If a student insists on leaving the facility unattended, he/she will be asked to sign a waiver, stating it is against the School of Nursing policy and is an unsafe action.
- E. The faculty member then should complete the Faculty "Report of Reasonable Suspicion of Drug/Alcohol Use" form (see [Attachment B](#)) and submit the completed form to the office of the Associate Dean as soon as practicable under the circumstances.
- F. The student will be suspended from all nursing class/clinical activity until the situation has been reviewed by the appropriate officials.
- G. Drug tests will be arranged by the SON, unless done in cooperation with the affiliating clinical agency. The cost of this reasonable suspicion drug testing will be borne by the nursing students, not by the SON nor Moravian University.
- H. Tests will be conducted by a qualified laboratory in accordance with established methods and procedures. Testing will be conducted with due regard to the privacy of the student. The testing facility will utilize appropriate measures to safeguard the integrity of the collection and testing process and include 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 adulteration or tampering, and that the analysis of them is done in accordance with reasonable and accepted medical standards.
- I. 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.

- J. 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 School of Nursing.
- K. The Associate Dean will be notified of all test results, whether drug testing is initiated or requested by the clinical agency or by the nursing programs at Moravian University.
- L. 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 to return to the course or clinical experience without penalty and the Associate Dean will notify the pertinent faculty member(s) of this release.
- M. A nursing student shall be subject to disciplinary action up to and including dismissal from the program if: a) the student refuses to submit to drug testing based upon reasonable suspicion; b) the student attempts to tamper with, contaminate or switch a sample; or c) a student's drug test results are positive.
- N. The Associate Dean will notify a student who has a positive drug test, or has violated this policy otherwise, and explain the consequences thereof.
- O. Circumstances may warrant additional or different procedures than those summarized in this policy, and the school / University reserves the right to apply whatever procedures it deems appropriate in any particular situation.

D. Confidentiality

All drug testing results will be treated by the SON 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 nursing 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 SON 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 any other manner required or permitted by applicable law.

V. Guidelines for Continued Participation After Positive Drug Test

A. Prerequisites

A student who is disciplined short of dismissal (e.g. suspension and/or loss of residence privileges) from the SON due to a positive drug test or other violation of the Substance Abuse Policy will be considered for continued enrollment or re-enrollment only if the student meets the following conditions:

1. Submission of a verifiable letter from a recognized and approved drug treatment agency stating that the student has successfully completed an appropriately tailored substance abuse program.
2. Submission to a drug test prior to readmission. This drug testing will be at the student's expense. A positive drug test will result in ineligibility for readmission.

3. Submission to such other drug testing as may be requested by the SON or an affiliating clinical agency after readmission.
4. Submission to a last chance agreement prepared by the SON that memorializes all terms and conditions of continued or re-enrollment including those set forth above, and any other requirements that the department may deem appropriate under the circumstances.

B. Incidence of Recurrence after Reinstatement

A student who is reinstated to participation in the nursing program, and thereafter tests positive on any drug 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 school's decision to dismiss or not re-admit a student through the established Student Development and Progression policy.

FITNESS FOR SCHOOL GUIDELINES

General - All students are expected to report to courses and clinical experiences in a physical and mental/emotional condition fit for the safe and proper performance of their role as a student and to remain in such condition throughout their courses and clinical experiences.

Determining Fitness for School and Consequences of Being Unfit - The determination of whether a student is fit for school is a supervisory responsibility. Ordinarily, this will be the faculty member(s) responsible for teaching a student in a particular course or clinical experience, but other school officials, and/or the faculty, staff or other supervisory individuals associated with any affiliating clinical agency may also make such a determination.

Generally, a student is unfit when there is reason to believe, based on objective facts and observations, that the student's ability to perform the student functions in a proper, safe and competent manner is adversely affected for some reason.

A student may be unfit for a variety of reasons, ranging from the relatively simple, such as illness, fatigue or reaction to prescribed medications, to the more complex, such as emotional distress arising from personal problems, or substance abuse.

Where substance abuse is suspected, the situation should be handled by invoking the procedures set forth in the Substance Abuse and Drug/Alcohol Testing Policy. In other situations where a student is suspected of being unfit for school, the student should immediately be asked to leave the classroom or clinical area to discuss the situation in a location ensuring privacy and confidentiality. The discussion will be documented and a decision will then be made in

consultation with the Associate Dean or a designee, whether to return the student to the course or clinical experience, or suspend the student from the course or clinical experience for the day or longer. There may be other consequences (academic, clinical or otherwise) arising out of the situation and those other consequences also will be discussed and communicated to the student. No student shall be allowed to resume any course or clinical experience unless and until the SON determines in its sole discretion that a student is fit.

Attachment A

STUDENT'S CONSENT TO DRUG/ALCOHOL TESTING AND RELEASE AND STUDENT'S CONSENT TO RELEASE TEST RESULTS TO THE NURSING PROGRAM AT MORAVIAN UNIVERSITY

I, _____, a student enrolled in the nursing program at Moravian University, having read its Substance Abuse and Drug/Alcohol Testing Policy, understand that as a precondition to entering the clinical component of the program and participating in any clinical experience at an affiliating clinical agency that requires pre-placement drug testing, I am subject to the Helen S. Breidegam School of Nursing Moravian University's policies and those of the affiliating clinical agency, including but not limited to any requirement to submit to pre-clinical placement drug testing, random drug testing, or drug testing when there is reasonable suspicion to believe that I may be impaired or engaged in substance abuse as defined by the applicable policies. I understand that the cost of any drug testing required by any affiliating clinical agency with which I may be placed shall be borne by me. ***By my signature below, I hereby give my complete and voluntary consent to submit to any such drug test(s) at a designated laboratory or other location as required by the nursing department at Moravian University and/or any affiliating clinical agency at which I am placed for nursing school requirements.***

I understand that a positive drug test or other violation of the School of Nursing's Substance Abuse and Drug/Alcohol Testing Policy, or that of any affiliating clinical agency, will result in disciplinary action, up to and including dismissal from the program, and/or other potential consequences as more fully explained in the applicable policies.

I further understand that the affiliating clinical agency and Helen S. Breidegam School of Nursing Moravian University have a legitimate need to receive the results of my drug tests performed in accordance with the applicable policies. ***I give my consent to, and hereby authorize any drug testing facility and its physicians,*** including the Medical Review Officer, employees, and representatives (collectively hereinafter referred to as "drug testing entity"), that conducted drug testing pursuant to the drug testing policies of the affiliating clinical agency or the Helen S. Breidegam School of Nursing Moravian University, and that has control over any documents, records, or other information pertaining to any drug testing of me, ***to furnish originals or copies of any such documents, records, or other information to the affiliating clinical agency requesting the test and/or to the St. Luke's Occumed Department and to the nursing department at Moravian University and/or its authorized officers, employees and representatives.*** I further consent to and hereby authorize any drug testing entity to answer the questions and inquiries of the Helen S. Breidegam School of Nursing Moravian University concerning me and disclose to its authorized officers, employees and representatives whatever documents, records, and other information, including, without limitation, drug testing results, medical records, medical reports, analyses, questionnaires, and other materials which may have been made or prepared pursuant to or in connection with my drug test(s).

I waive, release, and discharge forever the drug testing entity that conducted drug testing pursuant to the applicable policies of the Helen S. Breidegam School of Nursing Moravian University, or that of any affiliating clinical agency, and every other person, firm and institution (including without limitation the Helen S. Breidegam School of Nursing Moravian University, St. Luke's Hospital & Health Network and its affiliated entities) which shall comply in good faith with this authorization and consent, from any and all liability or claims of whatsoever kind and nature, known or unknown, arising out of or relating to the drug testing, disclosing, inspection, releasing and furnishing of such documents, records, or other information.

Student's printed name

Student's signature

Date _____

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

Attachment B

REPORT OF REASONABLE SUSPICION OF DRUG/ALCOHOL USE

To be completed by the faculty member supervising the nursing student to be tested.

1. Name of student suspected of substance abuse as defined in policy. _____
2. Date, time, and location of incident. _____
3. Reasons why you suspect the student 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.

4. Did the student admit to use of drugs/alcohol? Yes ____ No ____
Comments: _____

5. Was student found using or in possession of any illicit drugs/alcohol? Yes ____ No ____
6. Have any other students or personnel witnessed or complained of the student's behavior? If so, please provide a list of witnesses to the behavior.

7. Based on the information above, it is my opinion that there is reasonable suspicion to believe that this student has engaged in substance abuse as defined in the Substance Abuse & Drug/Alcohol Testing Policy:

Signature of Faculty Member Approving Drug Test

Date/time

Printed Name of Faculty Member: _____

The original of this form should be given to the Associate Dean of the , Helen S. Breidegam School of Nursing and Public Health at Moravian University for inclusion in the student's confidential nursing file. It may be disclosed on a "need to know" basis to clinical agencies and/or testing facilities

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