

# **CARDIOVASCULAR MEDICINE, P.C.**

## **POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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### **I. STATEMENT OF PURPOSE**

Cardiovascular Medicine, P.C. is committed to providing its employees with a safe workplace and an atmosphere that allows them to protect inventory and other assets placed in their care. Cardiovascular Medicine, P.C. employees should not be subject to any safety threats from fellow workers. They are expected to be in suitable mental and physical condition while at work, allowing them to perform their job effectively and safely.

Both on-the-job and off-the-job involvement with alcohol and/or drugs can have an adverse impact on the workplace and on Cardiovascular Medicine, P.C.'s ability to achieve its objectives of safety and security. Therefore, employees are expected to report to the workplace with no alcohol, illegal drugs, or illegal drug metabolites in their body. Cardiovascular Medicine, P.C. cannot accept the risk in the workplace which alcohol or illegal drug use creates.

With these basic objectives in mind, Cardiovascular Medicine, P.C. has established the following program and policy for an alcohol and drug free workplace. This program applies to all current employees and all applicants for employment following a conditional employment offer. You are urged to carefully review this Policy. Also, please complete and return Attachment A -- Acknowledgement of Receipt of Policy.

**CARDIOVASCULAR MEDICINE, P.C. RESERVES THE RIGHT TO CHANGE, TERMINATE, OR DEVIATE FROM THIS POLICY AND RELATED PROCEDURES AT ANY TIME. NOTHING IN THIS POLICY IS INTENDED, NOR SHOULD IT BE CONSTRUED, AS REQUIRING "CAUSE" FOR TERMINATION OR OTHERWISE ALTERING THE AT-WILL NATURE OF THE EMPLOYMENT RELATIONSHIP.**

### **II. DEFINITIONS**

- A.     “Abuse” of a legal drug: Any use of a legal drug that impairs an individual’s faculties or ability to work safely.
- B.     “Alcohol”: Defined by statute as ethanol, isopropanol, or methanol.
- C.     “Drug”: Any drug or substance defined as a controlled substance and included in 21 CFR part 1308, schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. §801, et seq.
- D.     “Illegal drug”: Any controlled substance which is not being used under the supervision of a licensed health care professional, or not used lawfully, and any so-called “designer drugs” which have no recognized medical use and are similar to controlled substances.
- E.     “Legal drug”: A drug for which there is a valid prescription, or over-the-counter drug.
- F.     “Medical review officer”: A licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by an employer’s drug or alcohol testing program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test results together with the individual’s medical history and any other relevant biomedical information.

## **CARDIOVASCULAR MEDICINE, P.C. POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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G.     **“Sample”:** A sample from the human body capable of revealing the presence of alcohol or other drugs or their metabolites. “Sample” does not include blood, except in situations where a blood test was made on an employee involved in a workplace accident if the test was administered by or at the direction of a person providing treatment to the employee and the test was not made at the request of or by the suggestion of the employer.

### **III. WORK RULES**

#### **A. Legal Drugs**

1.     **Prescription Drugs.** An employee may bring to work and take a prescription drug during work hours only if the drug has been prescribed for the employee by a physician or other authorized prescriber (such as a dentist) and only if the drug is taken in accordance with the prescriber’s directions. **All prescription drugs must be kept in the container in which they were received from the pharmacy or other dispenser with all original labels attached.**
2.     **Over-the-Counter Drugs.** An employee may bring to work and take an over-the-counter drug during work hours only if the drug is used for its intended purposes and in accordance with package directions and any supplemental directions of the employee’s physician. **All over-the-counter drugs must be kept in the container in which they were received from the pharmacy or the dispenser with all original labels attached.**
3.     **Notification.** Whenever employees are prescribed controlled substances or are taking an over-the-counter drug whose containers warn of drowsiness or interference with the ability to drive or operate machinery safely, the employee must consult with his or her physician about the drug’s effect on the ability to perform job duties safely. Employees must notify their supervisor promptly if the physician imposes any restrictions or warns of any threat to safety. In addition, employees must promptly notify their supervisors of any lack of fitness for duty, regardless of the reason. Those who do not report to a supervisor must use discretion and heed all restrictions so as not to endanger any employee or patient.
4.     **Abuse.** Abuse of legal drugs will not be tolerated, and is a violation of Company rules.

#### **B. Illegal Drug Prohibition**

An employee bringing or attempting to bring onto Cardiovascular Medicine, P.C.’s premises, property, or work sites, having possession of, using, consuming, selling, transferring, or attempting to sell or transfer, any illegal drug while on Cardiovascular Medicine, P.C. business or at any time during the hours between the beginning and ending of the employee’s work day, whether or not on duty, is guilty of misconduct and may be subject to discipline, including suspension without pay or termination, even for the first offense.

#### **C. Alcohol Prohibition**

An employee bringing or attempting to bring onto Cardiovascular Medicine, P.C.’s premises, property, or work sites, having possession of, using, or consuming, or being under the influence of any alcohol as defined above

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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while on Cardiovascular Medicine, P.C. business or at any time during the hours between the beginning and ending of the employee's work day, whether or not actively on duty, is guilty of misconduct and may be subject to discipline, including suspension without pay or termination, even for the first offense.

**D. Impairment During Work Hours**

1. It is our intent that an employee whose faculties appear to be impaired during work hours will not be allowed to work, regardless of the cause.
2. Employees will be terminated, even for a first offense, if they are impaired at work due to alcohol use or illegal drug use or impaired because of legal drug abuse.

**E. Employee Discipline in Connection with a Confirmed Positive Drug or Alcohol Test**

Employees may be required to undergo drug or alcohol tests under certain circumstances. Based on the results of the test (or any refusal to take a test), Cardiovascular Medicine, P.C. will take the following actions:

1. **Refusal to Submit to Drug or Alcohol Tests.** An employee's refusal to submit to drug or alcohol tests when requested to do so will subject the employee to termination.
2. **Confirmed Positive Alcohol Test Result.** An employee's first confirmed positive alcohol test result above the level of 0.04 (expressed in terms of grams of alcohol per two hundred ten (210) liters of breath or its equivalent) will subject the employee to discipline, including termination, unless the employee is eligible for and successfully completes a rehabilitation program under Section IV (J) of this policy. If after successfully completing a rehabilitation program under Section IV (J) an employee receives a subsequent confirmed positive alcohol test result above .04, the employee will be subject to discipline, including termination.
3. **First Confirmed Positive Drug Test.** An employee's first confirmed positive drug test that is determined to violate this policy will subject the employee to discipline, including termination.

**IV. PRACTICE/PROCEDURE**

**A. Pre-Employment Screening**

Offers of employment with Cardiovascular Medicine, P.C. may be conditioned on proper cooperation with and participation in a drug and controlled substance screening test. Following a conditional employment offer, applicants will be asked to sign a form consenting to a screening test as part of the application process. Failure to sign the consent form will be considered a withdrawal of the application. Applicants who refuse to participate in a pre-employment drug screen will not be eligible for employment with Cardiovascular Medicine, P.C. Applicants who report to the designated lab for drug screening and abort the process before completion will be deemed failure to test and will not be eligible for employment with Cardiovascular Medicine, P.C.

In instances of positive drug screen, the results are sent directly to the Medical Review Officer for review. If a confirmed positive drug or alcohol test for a prospective employee is reported to the employer by the medical review officer, Human Resources will notify the prospective employee in writing of the results of the test. The name and address of the medical review officer who made the report will be provided to the prospective

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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employee, who has the right to request records. Human Resources will notify the prospective employee either by phone or in writing that the conditional offer has been rescinded and if the candidate has questions Human Resources will direct them to the Medical Review Officer or his/her designee.

All current employees hired prior to August 1, 2013 will be grandfathered and not subject to pre-employment screening.

**B. Employee Testing – Reasonable Suspicion**

If any one supervisor or other individual in charge reasonably suspects another employee of being impaired due to drugs or alcohol or unable to work safely, that supervisor or individual needs to take appropriate actions to have the employee removed from any job duties involving patient care or handling of materials, drugs or equipment. The supervisor or individual in charge shall then consult with another supervisor or individual in charge to assess and determine whether or not there is reasonable suspicion that the employee is under the influence of alcohol and drugs. They will investigate the circumstances and then decide whether testing is appropriate, whether the suspected employee should be sent home, or allowed to return to work.

An active employee may be required to submit to drug or alcohol tests if at least two supervisors or other persons in charge agree that there are objective facts indicative of the use of alcohol or drugs in violation of Cardiovascular Medicine, P.C.'s written policy. This conclusion may be reached through personal observation or based on credible confidential reports from others.

In making the determination of whether reasonable suspicion of drug or alcohol impairment exists, factors to be considered include, but are not limited to, the following:

- Physical signs and symptoms consistent with alcohol and drug impairment.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report, by a reliable and credible source, of prohibited drug or alcohol use.
- Evidence that an individual has tampered with any prior Cardiovascular Medicine, P.C. drug or alcohol test.
- Evidence that an employee has caused an accident resulting in personal injury (other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job) or estimated property (or equipment) damage of \$1000 or more.
- Evidence that an employee has manufactured, sold, distributed, solicited, possessed, used, or transferred illegal drugs while working, or while on Cardiovascular Medicine, P.C.'s premises.

**Post Accident Testing** - An active employee may be required to submit to drug or alcohol tests when seeking medical treatment for a worker's compensation accident.

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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**C. Drug Testing Procedure.**

Drug tests will be conducted in accordance with the law and its procedures. Persons being tested may be required to present reliable individual identification to the person collecting the samples. At the time the samples are collected, the employee who is being tested may provide any information that may be relevant to the drug test. Such information may include identification of prescription or nonprescription drugs currently or recently used or any other relevant medical information. There will be a chain of custody established when samples are collected, labeled, handled, transported, tested, stored, or discarded. Collection procedures will balance the need for privacy and the need to prevent tampering. Split samples adequate for a retest shall be collected at the time of the initial collection. Collected samples will be tested by a State-approved laboratory.

Employees will be given the opportunity to explain a positive drug test. If the results corroborate, the professed explanation for the positive test, no action shall be taken against the employee. For example, it is known that consuming a poppy seed bagel will cause a positive result for opiates. However, the level and other indicators can confirm whether or not the positive test result was from a poppy seed bagel or not.

**D. Substances Tested.**

The following is a list of drugs and alcohol for which testing will occur.

- Amphetamines;
- Cannabinoids;
- Opiates;
- Cocaine;
- Phencyclidine;
- Ethanol;
- Isopropanol;
- Methanol.

**E. Alcohol Testing Procedure.**

Persons being tested may be required to present reliable individual identification to the person collecting the samples. At the time the samples are collected, the employee who is being tested may provide any information that may be relevant to the alcohol test. Such information may include identification of prescription or nonprescription medications currently or recently used or any other relevant medical information. The initial alcohol testing will be administered by a Breath Alcohol Technician (BAT). BATs receive qualified training to become proficient in administering the alcohol testing procedures used by Cardiovascular Medicine, P.C. To be qualified as a BAT, the individual must have successfully completed the qualification training provided by the Department of Transportation and completed seven consecutive error-free mock tests. No less frequently than every five years, BATs receive refresher training.

The initial test will be conducted using either an alcohol screening device, either breath or saliva, or an evidential breath testing device. Upon a test result of 0.04 or higher, a confirmation test will be conducted.

Confirmation testing must be conducted by a BAT and by using an evidential breath testing device. A reading of 0.04 or higher will be considered a violation of Cardiovascular Medicine, P.C.'s Alcohol and Drug Free Workplace Policy.

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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**F. Test Scheduling and Costs**

Specimen collections for drug and/or alcohol testing shall normally occur during, or immediately before or after, a regular work period. The time required for employee testing, including travel time, is considered work time for purposes of the FSLA, compensation, and benefits.

The actual costs for testing, other than for a confirmatory retest, if one is requested as provided by law, are paid by Cardiovascular Medicine, P.C. If the drug/alcohol sample collection is conducted at a place other than the employee's normal work site, Cardiovascular Medicine, P.C. will provide transportation, or pay reasonable transportation costs to the employee.

**G. Medical Review**

Cardiovascular Medicine, P.C.'s designated lab will transmit test results to Cardiovascular Medicine, P.C.'s Medical Review Officer ("MRO"). The MRO will consider any information disclosed by employees and will make reasonable attempts to contact employees who test positive to offer them an opportunity to explain or rebut the reported results. Employees have three (3) working days to provide such an explanation or rebuttal.

**H. Results**

All drug or alcohol test results will be kept confidential. If the MRO reports to Cardiovascular Medicine, P.C. that an employee has tested positive, Cardiovascular Medicine, P.C. will provide the employee (via certified mail return receipt requested) with copies of the results and a notice of the employee's right to have the split retested by another qualified lab. The notice will specify the fee for the retest.

**I. Retests**

If an employee who has tested positive notifies Cardiovascular Medicine, P.C. (in person or by certified mail and within seven (7) days of notice to the employee of test results) that the employee wants a retest, identifies an approved lab, and pays the fee for a retest, the split sample will be retested. If the retest is negative for adulteration, alcohol, or drugs, Cardiovascular Medicine, P.C. will refund the fee for the retest and rescind any discipline imposed on the basis of the positive result initially reported.

**J. Rehabilitation**

In the event of a confirmed positive alcohol test greater than permitted by this policy AND if the employee has been employed by Cardiovascular Medicine, P.C. for at least 12 of the preceding 18 months AND if agreed upon by the employee AND if the employee has not previously violated Cardiovascular Medicine, P.C.'s substance abuse policy, then the employee is required to enroll in a rehabilitation, treatment, or counseling program approved by Cardiovascular Medicine, P.C.. Successful completion of which may be a condition of continued employment. No adverse action shall be taken against the employee while he or she is complying with the requirements of the rehabilitation program and if the employee successfully completes the program. In the event the employee refuses to enroll, fails to comply with the requirements of the program, or upon failure to complete the program, adverse action up to and including termination may be taken against the employee.

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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The costs of such rehabilitation, treatment or counseling program shall be divided between the employee and Cardiovascular Medicine, PC.

**V. EMPLOYEE ASSISTANCE SERVICES**

Cardiovascular Medicine, P.C. maintains a resource file on local employee assistance services providers, alcohol and other drug abuse programs which are certified by the Iowa Department of Public Health, mental health providers, and other persons, entities or organizations which are available to assist employees with personal or behavioral problems. Cardiovascular Medicine, P.C. will provide a copy of this file to all employees, and post a list of such providers. Employees may access the Resource File by contacting the Human Resource Department. Employees may also contact any providers, listed on the Resource File posting, directly.

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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**ATTACHMENT A**

**CARDIOVASCULAR MEDICINE, P.C.  
DRUG FREE WORKPLACE POLICY  
ACKNOWLEDGEMENT OF RECEIPT OF POLICY**

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Print Name

I acknowledge receiving a copy of Cardiovascular Medicine, P.C.'s Alcohol and Drug Free Workplace Policy. I understand that refusal to submit to any drug testing required by this policy or a positive test result is grounds for disciplinary action up to and including termination. Furthermore, I authorize the release of the test results to my employer. I understand that I can review or obtain another copy of the policy from the Human Resources Coordinator.

I have read and understand this policy and will abide by it as a condition of my employment.

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EMPLOYEE SIGNATURE

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DATE

**CARDIOVASCULAR MEDICINE, P.C.  
POLICY ON ALCOHOL AND DRUG FREE WORKPLACE**

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**ATTACHMENT B**

**CARDIOVASCULAR MEDICINE, P.C.  
DRUG FREE WORKPLACE POLICY  
DRUG TEST CONSENT AGREEMENT**

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Print Name

I voluntarily consent to testing by a doctor, medical center, hospital, laboratory or medically qualified personnel.

Furthermore, I release Cardiovascular Medicine, P.C. from any liability incurred for this testing requirement.

\_\_\_\_\_  
CANDIDATE SIGNATURE

\_\_\_\_\_  
DATE