

# **DRUG AND ALCOHOL POLICY AND IMPLEMENTATION PROGRAM**

## ***Drug and Alcohol Policy***

School of Health Professions is firmly committed to maintaining an environment free of the influence of illegal or federally regulated drugs and alcohol. In keeping with this commitment, the school maintains the right to require any student to undergo testing to determine his or her fitness for enrollment in the school. Students will be dismissed from the school for any illegal or unauthorized involvement with drugs or alcohol. Illegal or unauthorized involvement includes, but is not limited to:

- Illegal or unauthorized possession, use, manufacture, dispensation, distribution, or purchase of illegal drugs and/or alcohol
- Being under the influence of drugs and/or alcohol
- Violation of any applicable federal or state criminal drug and/or alcohol statute
- Positive laboratory testing for drugs in which the student does not have a legal prescription, or which the student is using in a non-prescribed manner.

***\*ANY POSITIVE DRUG/ALCOHOL TEST WILL BE REVIEWED BY AN INDEPENDENT MEDICAL REVIEW OFFICER (MRO). THE MRO WILL DETERMINE VIABILITY OF THE TEST RESULT. THE DECISION OF THE TEST RESULTS FOUND BY THE MRO IS FINAL.***

## ***Illegal Drug and Alcohol Implementation Program***

Drug Screen testing will be done at the following times:

- Upon enrollment
- Upon re-enrollment
- At randomly chosen time(s)
- Any Student "For Cause"

**IF A STUDENT REFUSES OR FAILS TO BE TESTED AT THE REQUIRED OR "FOR CAUSE" TIMES AS REQUESTED, OR, IF A STUDENT ATTEMPTS TO TAMPER WITH ANY PART OF THE TESTING PROCESS, HE/SHE WILL BE DISMISSED FROM THE SCHOOL OF HEALTH PROFESSIONS.**

**Post-Accident Drug Test** – Work related accidents involving students **MUST** be reported immediately to the Clinical Instructor and the Program Director. Students involved in a work related "accident" must not be allowed to leave the facility and **will be required** to undergo an immediate drug screening. Students involved in such accidents that leave without permission of a Faculty Member or Program Director will be disciplined and may be terminated from the program.

Upon report of an accident during clinical hours, the Program Director shall review the circumstances of the work related "accident" and will immediately schedule the student for a **mandatory** drug screening. Typically, an "accident" is any event, incident, or judgment resulting in:

- A. Bodily injury** (including a needle stick and a blood splash) to the student that requires medical attention other than simple First Aid/one time treatment for minor scrapes, scratches, cuts, burns, splinters, etc.
- B. Bodily injury** of any kind to another person.
- C. Death to any person.**
- D. Damage to any property.**

Students who are required to undergo a post-accident drug screening, based on the above criteria, will be suspended from clinical rotations pending the results of such test. If the results are positive for an illegal substance the student will immediately be dismissed from the program. If the student tests positive for a prescribed drug more than the prescribed amount,

the student may be disciplined, up to and including termination retroactive to the date of the accident. A refusal to undergo the test will be grounds for dismissal. The test should be administered as soon as practical following the work-related incident and prior to the student leaving the work location.

### **“For Cause” Testing**

“For Cause Testing” provides the faculty with a means to identify drug and/or alcohol affected students who may pose a danger to themselves, others, or patients under their care, in the performance of their duties in the clinical area or affiliating agencies. In addition, the testing may be requested when the student is attending class/clinical or present on Campus or the properties of any clinical affiliate(s).

- a. If a student exhibits behaviors indicative of the possibility of illegal or unauthorized involvement with drugs or alcohol, or a noticeable odor of drugs or alcohol on the student is noticed, the school will conduct the investigation deemed appropriate to determine whether corrective action is needed.
- b. Instructor(s) will maintain records of observations of student behaviors, which indicate the possibility of illegal or unauthorized involvement with drugs and alcohol. It may be appropriate to meet with the student and discuss the observations and consider various explanations for the behaviors.
- c. **Drug** and **alcohol** testing will be required if the behaviors and observations of the student are indicative of the possibility of illegal or unauthorized drug/alcohol use. The student will be confronted with the allegation and requested to undergo immediate drug and/or alcohol testing.
- d. The student will not be permitted to return until the Program Director or designee receives the testing result.
- e. Any student who tests positive for an **illegal drug** or a legal drug which the student is using in a non-prescribed manner will be dismissed and will not be eligible for admission / re-admission to the school at any time.
- f. If a student is deemed to be under the influence during clinical or class, the faculty member(s) will request the student’s keys to prevent him/her from driving. The faculty in this case reserves the right to contact the students’ parents, guardian or significant other to request that the student be provided transportation home to prevent harm to the student or others. If a student refuses, the Program Director will notify local law enforcement of the time and location so that they may deal with this student officially.
- g. It is our goal to protect the student and the public from potential harm.**

### ***Conviction of any Drug Statute***

A student who is convicted of violating any drug statute must notify the Program Director within 5 days of the conviction. Within 10 days of receiving this notice from the student or otherwise learning of the conviction, the school will give notice of the conviction to the federal agency involved in any applicable grant program. After receiving such notice from a student or otherwise learning of such a conviction, the school will take the corrective action appropriate, up to and including dismissal.

### ***Notification of Illegal Drug and Alcohol Policy and Implementation Program***

At the beginning of this program, each student will be given a copy of this Illegal Drug and Alcohol Policy and Implementation Program. As this policy may be modified from time-to-time students will be provide with updates. The student will be required to sign the attached form acknowledging receipt of the copy, understanding of the program, understanding of the requirements of adherence, and understanding of the possibility of corrective action, up to and including dismissal from the school.

### ***Drug-free Awareness Program***

The School of Health Profession's Drug-Free Awareness Program includes the following elements:

- education related to the health risks associated with chemical substance abuse, social effects of chemical and substance abuse, and the applicable legal sanctions under local, state, and federal law for illegal involvement with drugs and alcohol.
- publication and discussions on Illegal Drugs and Alcohol at least annually. Thus, students and employees are informed and reminded regularly of the school's policy, the expected standards of behavior, and the potential for corrective action for violations of the policy.
- efforts to inform and remind students about the availability of rehabilitation and counseling services.

#### References: (For more in-depth description)

Federal Register 34 CFR Part 86 (August 16, 1990). Washington, DC: U.S. Dept. of Education. Wilson, H., & Kneisl, C. (1988). *Psychiatric nursing*. Menlo Park, California: Addison-Wesley. U.S. Department of Justice, Drug Enforcement Administration. (1989). *Drugs of abuse*. U.S. Government Printing Office.

## **LEGAL SANCTIONS FOR ILLEGAL INVOLVEMENT WITH DRUGS AND ALCOHOL**

There are several federal, state, and local laws controlling or prohibiting the possession and distribution of drugs and alcohol. Violations of these laws can lead to lengthy imprisonment, substantial fines, or both.

### ***ALCOHOL***

Virginia State laws concerning the purchase, possession, consumption, sale, and storage of alcoholic beverages include the following:

- Any sale of alcoholic beverages requires an ABC license.
- Alcoholic beverages are not to be given or sold to persons less than 21 years of age. Alcoholic beverages are not to be given or sold to persons who are intoxicated.
- State law prohibits; drinking in unlicensed public places; possession of alcoholic beverage by person under 21 years of age; falsely representing one's age for the purpose of procuring alcohol; and purchasing an alcoholic beverage for a person who is less than 21 years of age.

## ***DRUGS***

The Federal Controlled Substance Act and, in some cases, the Virginia Control Act penalizes for unlawful manufacturing, distribution, use and possession of controlled substances, including marijuana, cocaine, and LSD. The penalties vary based on the type of drug involved, possession, and intent to distribute. Federal law sets penalties for the first offense ranging from one year to life imprisonment and/or \$100,000 to \$4 million fines. Penalties may include forfeiture of properties, including vehicles used to transport or conceal controlled substance or denial of federal benefits such as student loans. Convictions under state law may be misdemeanor or felony crimes with sanctions from six months to life imprisonment and/or \$250 to \$100,000 fines.

## ***MARIJUANA***

Although the Commonwealth of Virginia and other states have legalized the use of marijuana. Marijuana is considered a **mind-altering (psychoactive) drug**. THC (delta-9-tetrahydrocannabinol) is believed to be the main ingredient that produces this psychoactive effect, and its effects vary from individual to individual. As healthcare professionals, we work in situations that many times find us in a life altering or lifesaving activities. In these activities we need to be alert and in total control of our actions and responses. It is therefore the stance of the Sovah School of Health Professions that we have a zero-tolerance policy for marijuana or any other substances containing THC or other psychoactive ingredients.

Generally, employees (students) who work in positions that are safety-sensitive or otherwise regulated by outside authorities, including employees specifically performing work under federal contracts or for certain federal contractors, will not be protected when it comes to marijuana use in any form. Safety-sensitive jobs are heavily regulated by federal agencies, as they greatly depend on employees being always fully alert and aware of safety risks and potential hazards. Due to the sensitive nature of these positions, **federal regulations permit employers to lawfully ban employee marijuana use.**

Virginia's 2021 marijuana statutes acknowledge these potential restrictions and provide a safe harbor for Virginia employers to **drug test employees who work in certain regulated jobs.** Such testing can occur regardless of whether the employee shows signs of impairment at work or whether the employee has been certified to use medical marijuana.

Federal law holds that any person who: distributes, possesses with intent to distribute, or manufacture a controlled substance in, or within one thousand feet of an educational facility, is subject to a doubling of the applicable maximum fine and punishments. Virginia state law carries sanctions of up to five years of imprisonment and up to \$100,000 fine for similar violations.