



Alcohol and Other Drugs Program

Biennial Review
January 2016-December 2017

Approved by:

Dr. Betty Sue McGarvey, President

Date

Introduction

There has been a growing recognition nationally that alcohol and drug abuse is a prevalent problem on college campuses. In compliance with the 1989 Drug Free Schools and Communities Act, this document delineates the efforts on the Baptist Memorial College of Health Sciences (College) campus to address student alcohol and other drug use during the calendar years of 2016 and 2017. More specifically, this document will detail the College policy regarding alcohol and drug use, disciplinary sanctions the College will impose for violations of this policy, statistics on violations of policies, and efforts to educate students and employees about alcohol and drug related issues.

It is the intent of the Baptist College to establish and clearly communicate the drug and alcohol policy, with the end result that all students and employees be free of any chemical impairment.

The College is committed to ongoing review and improvement of its alcohol and drug prevention program. This document contains a description of these efforts and the outcomes achieved. The signed copy of the Biennial Review for January 2016 – December 2017 is located in the office of the Director of Business Services.

Mission Statement

The mission of the AODP is to provide education and information to the campus community regarding alcohol and drug use and their effects in order to encourage healthful, informed choices among students, support a productive educational environment, and positively impact the community in which we serve through appropriate educational programs, resources and services.

Compliance

Baptist College of Health Sciences has reviewed and evaluated its AODP.
Baptist College is in compliance.

Statistics on Student Violations of the Drug and Alcohol Policy

From January 2016 through December 2017, there were *two (2)* alcohol violations and *zero (0)* drug violations addressed through the judicial processes in the Office of Student Services.

Zero (0) fatalities occurred on campus related to the abovementioned violations.

During this same time period, **72** students were selected for testing based on random selection, reasonable suspicion or post-incident/unusual occurrence. In addition, **593** students were tested as a part of the college's pre-clinical requirement.

Statistics on Violations of the Drug and Alcohol Free Workplace Policy

No policy violations occurred, and no testing was performed on employees. All employees are drug screened during the hiring process prior to employment offers being made.

Education

The overall purposes of the policies and offerings of the College related to drug and alcohol prevention and education are to create an environment which promotes the health and wellness of students and employees and to provide safe and effective care to clients by students and employees who are drug and alcohol free.

The educational offerings at the College include Policy information shared during new student orientation as well as several information sessions on general safety and awareness. Throughout the year, various seminars, an awareness film, and guest speakers are scheduled for ongoing awareness.

Additionally, all faculty and staff must complete annual training on the topic of safety and security. Drug and alcohol awareness and the related health and legal risks are a component of this training. The Annual Security Report is distributed electronically annually to all faculty, staff and students and can be found on the Baptist College website at www.bchs.edu.

Counseling

Baptist College of Health Sciences offers its students on-campus counseling services and referrals to UT Health Services for Psychiatric consultations at no cost. A licensed counselor is on campus to assist students with personal and academic concerns. Appointments with the College counselor can be scheduled outside of the regular office hours to accommodate student schedules. The counselor also maintains a list of updated off campus referrals should a student request them.

Safety and Security

The Office of Student Services is responsible for the enforcement of the College's alcohol and drug policy as it relates to violations of the law (e.g. underage drinking). The following statistics relate to the incidence of alcohol and drug crime on the College campus for the period January 2016 through December 2017:

Liquor Law Violations (arrests)	<i>Two (2)</i>
Drug Law Violations (arrests)	<i>Zero (0)</i>

Student Health Services

Students and employees of the College are given annually the health risks associated with alcohol and illicit drugs in the Annual Security Report. Additionally, student health services are provided to all students by University of Tennessee University Health Services through a formal agreement with this agency.

Administrative Services

Administrative Services is responsible for addressing alcohol and drug abuse issues with College employees. The Drug and Alcohol Free Workplace policy is published in the Faculty/Staff Handbook and, as such, is disseminated annually to all College employees. Employees who have an alcohol or substance abuse problem are eligible for assessment and assistance toward recovery within certain parameters.

Conclusions and Recommendations

Baptist College of Health Sciences meets the requirements and standards established by the Drug Free Schools and Communities Act. The evidence suggests that the College's Drug and Alcohol Policy is working and student's decisions concerning drug and alcohol use appear to be wise choices. Baptist College will continue to look for areas for improvement in awareness education.

The College's Drug and Alcohol Policy is distributed annually to all students and employees of the College. Baptist College of Health Sciences has in place clear goals and objectives to support the ongoing effort of drug and alcohol awareness. General recommendations for improvement to the College's Alcohol and Other Drug Program (AODP) for the 2018 and 2019 calendar years include: **a)** enhanced campus communication regarding the AODP, **b)** continued evaluation of the current program and its effectiveness, **c)** continued affiliation with *The Tennessee Coalition of Healthy and Safe Campus Communities*, **d)** administer the *Healthy Minds Survey* (instead of the Core Survey).

In line with the above mentioned recommendations, the following action steps were taken during the 2016-2017 calendar years:

Review Baptist College's policy

1. Continue to partner with the Coalition for Healthy and Safe Campus Communities
2. Prepare for the administration of the Core Institute Drug and Alcohol Survey
3. Provide drug and alcohol educational opportunities for students and staff

2018-2019 Goals will include:

- To promote practices and protocols that are consistent with institutional policy and local, state, and federal laws, including the College's drug and alcohol policy.
- To promote healthy choices concerning the use of alcohol and other drugs, particularly in regard to illegal use, and the elimination of high-risk and harmful use.
- To promote a climate in which abstaining from alcohol and drug use is acceptable.
- To provide education in regard to the use of alcohol emphasizing ways to reduce the risks of negative consequences to self and others.
- To define prevention, education, intervention, and treatment policies and practices.
- To protect relevant legal rights of students.

Baptist College Drug and Alcohol Policies

Student Drug and Alcohol Policy

Policy Information			
Policy# :	STU.5025	Reviewed Date(s):	10/03; 10/05; 5/14; 3/15
Date Created:	June 1, 1999	Revised Date(s):	9/15; 9/17
Responsible College Administrator:	Provost/Vice President Academic Services	President Council Approved Date:	September 28, 2017

1. Purpose

- 1.1. To create an environment that maximizes learning potential and fosters safe and effective care to patients by better ensuring that students and the Baptist College of Health Sciences campus are drug and alcohol free

2. Policy

- 2.1. Students are prohibited from being under the influence of, or in possession of, illegal drugs, un-prescribed controlled drugs, alcohol or inhalants, or participating in the sale, manufacture, or distribution of these while in the classroom, the clinical setting, on campus, and/or off-campus housing or while participating in Baptist College sanctioned or sponsored activities
- 2.2. Testing-It is the policy of Baptist College to test students in an unbiased and impartial manner for any of the following reasons:
 - 2.2.1. Prior to enrollment (graduate program only)
 - 2.2.2. Randomly throughout enrollment;
 - 2.2.3. Prior to entering the clinical portion of a professional program;
 - 2.2.4. Reasonable suspicion; or
 - 2.2.5. Post-incident/unusual occurrence

3. Definitions

- 3.1. None.

4. Procedure

- 4.1. Prior to enrollment (graduate program only)
 - 4.1.1. A drug screen is completed at the time students are on campus for Orientation. Students are responsible for the fee, which is paid at the time of Orientation.
 - 4.1.2. The drug screen is conducted by University of Tennessee Health Services (UTHS), the College's health care provider who conducts student drug screens.
 - 4.1.3. If the drug screen requirement and related payment are not met at Orientation, students are not cleared to register for classes.
- 4.2. Random Testing
 - 4.2.1. Both Baptist College and the health agencies with which it contracts have a substantial interest in the continued sobriety of their students due to the physically, emotionally and intellectually demanding duties they perform.

- Therefore, all students will be subject to random, unannounced drug screens throughout the course of each trimester.
- 4.2.2. Baptist College will bear the cost of the random drug screens. The time required of the student to be away from class or clinical rotation in order to undergo random substance screening will not penalize a student, or result in a reduction of logged classroom and/or clinical hours.
 - 4.3. Pre-Clinical Testing
 - 4.3.1. Pre-clinical drug screens are required prior to the student's first clinical course in the professional curriculum. Costs are included in the student's course fees.
 - 4.4. Reasonable Suspicion Testing
 - 4.4.1. Students may be requested to undergo screening for drugs and/or alcohol at any stage of their enrollment for reasonable suspicion or if cause exists to indicate that the student is using or is under the influence of drugs and/or alcohol, may have misused prescription drugs and/or alcohol, or may have been under the influence of illegal drugs.
 - 4.4.2. Reasonable suspicion may be based on direct observation of drug and/or alcohol use and/or physical symptoms or manifestations of being under the influence of a drug and/or alcohol in the classroom, clinical setting or on campus; abnormal conduct or erratic behavior such as absenteeism, tardiness, or evidence that an individual has tampered with a drug and/or alcohol test while enrolled; information that a student has contributed or caused harm, without limitation, to themselves or others.
 - 4.4.3. When a faculty or staff member believes that reasonable suspicion exists, the faculty or staff member should contact the Dean of Student Services or the Dean's designee. Where reasonable suspicion is corroborated, the student will be confronted with the observations and asked to undergo screening.
 - 4.4.4. If the student is believed to pose a risk to self or others, the faculty or staff member will immediately remove the student from the setting. The reporting faculty or staff member will also be asked to produce a description documenting the basis for reasonable suspicion, and the subsequent steps taken as soon after the incident as possible. Baptist College will bear the cost of reasonable suspicion testing.
 - 4.5. Refusal to Submit/Failure to Report
 - 4.5.1. If a student refuses to submit to testing during random or reasonable suspicion drug screening, including failing to report to the collection site at the designated time, the student will be considered to be in violation of College policy and will be subject to disciplinary action, up to and including administrative dismissal.
 - 4.6. College Response to Violations
 - 4.6.1. Violating the Student Drug and Alcohol Policy or the Drug and Alcohol Procedure will render a student subject to disciplinary action up to and including dismissal from the residence hall and/or from Baptist College.
 - 4.6.2. Students who have a positive result on a drug screen, whether pre-clinical, random, or for reasonable suspicion, will be given an opportunity to explain the

- positive drug screen result. If, in Baptist College's sole discretion, the explanation is unreasonable and/or cannot be satisfactorily documented, by the student's health care provider, the student will be required to be evaluated by a certified/licensed professional acceptable to Baptist College (which may be, but does not necessarily have to be, the College's licensed counselor) with recommendations and/or an individualized treatment and follow-up plan required when appropriate. Failure to comply with recommendations, and/or the treatment and follow-up as indicated by the evaluating certified/licensed professional, will render a student subject to disciplinary action up to and including dismissal from the residence hall and/or from Baptist College.
- 4.6.3. Students who are enrolled in clinical courses who present a reasonable suspicion, or have a positive drug screen without reasonable explanation, will be removed from the clinical setting for screening, and will not be permitted to return until the student has been evaluated by a certified/licensed professional acceptable to Baptist College, (which may be, but does not have to be, the College's licensed counselor) with recommendations and/or an individualized treatment and follow-up plan required when appropriate. Return to the student's current clinical slot is not guaranteed. Failure to comply with recommendations, and/or to comply with treatment and follow-up as indicated by the evaluating professional, will render a student subject to disciplinary action up to and including dismissal from Baptist College.
- 4.6.4. If a student is allowed to continue to be enrolled at Baptist College following a professional evaluation, students will be required to submit to ongoing random drug screening as mandated by the College. Students shall remain subject to such ongoing random drug screening for the entirety of the time the student remains enrolled. Students will be given an opportunity to explain a confirmed additional positive drug screen result if such occurs during ongoing random drug screening. If, in Baptist College's sole discretion, the explanation is unreasonable and/or cannot be satisfactorily documented by the student's health care provider, the student will be deemed to be in violation of College policy, and subject to disciplinary action up to and including administrative dismissal from Baptist College.

5. Related Information

- 5.1. Nursing Graduate Admissions Policy
- 5.2. Student Handbook
- 5.3. Clinical Handbooks

Drug and Alcohol Free Workplace

Policy Information			
Policy# :	GEN.2020	Reviewed Date(s):	11/07; 1/08; 12/12
Date Created:	January 1, 2008	Revised Date(s):	4/16
Responsible College Administrator:	Adonna Caldwell	President Council Approved Date:	May 26, 2016

1. Purpose

- 1.1. To reinforce Baptist Memorial College of Health Sciences (Baptist College) commitment to a drug and alcohol free workforce.
- 1.2. To define management’s responsibilities to comply with and strictly enforce Baptist College Drug and Alcohol Free Workplace Policy.
- 1.3. To define responsibilities of employees relative to Baptist’s Drug and Alcohol Free Workplace through education and training so that all staff members are familiar with the provisions of this policy and the Organization’s commitment to providing a safe and drug/alcohol free work environment.
- 1.4. To provide assistance toward recovery in limited circumstances to eligible employees with addictive drug and/or alcohol disorders.
- 1.5. To affirm the organization’s commitment to fair and consistent terms and conditions of employment, without regard to an individual’s age, sex, race, color, religion, national origin, handicap or disability.

2. Policy

2.1. Expectations

- 2.1.1. Baptist is committed to its employees, volunteers, patients, students, and the public at large to ensuring safety in the workplace as well as safety and quality in the services provided by Baptist. Baptist’s employees are very important to Baptist and their health and safety are a significant concern.
- 2.1.2. Abuse of alcohol or other drugs may adversely affect the health and safety of employees, compromise the quality of services provided to patients and students. All employees have the right to work in a drug/alcohol free environment. Baptist is committed to providing a drug/alcohol free workplace. Accordingly, employees are expected to report to work and perform job duties safely and appropriately without any adverse effects due to the use of drugs or alcohol.

2.2. Prohibitions

- 2.2.1. In addition to the specific activities listed below, employees are reminded that drug violations off premises may also render an employee unfit for duty and result in disciplinary action pursuant to this policy.
- 2.2.2. Employees who violate any provision of this policy during their initial 90 day introductory period are normally discharged for unsatisfactory probationary period performance in accordance with Baptist’s policy.
- 2.2.3. Baptist prohibits the following specific activities:

- 2.2.3.1. Reporting to work or being under the influence of alcohol, an illegal drug, an unauthorized controlled substance or prescription drug not medically authorized or used in a non-prescribed manner on Baptist's premises or while performing Baptist business.
- 2.2.3.2. Using, purchasing, manufacturing, selling, transferring, distributing, or possessing illegal drugs or drug paraphernalia on Baptist premises or while performing Baptist business.
- 2.2.3.3. Unauthorized use, possession, manufacture, distribution or sale of a controlled substance or alcohol on Baptist's premises or while performing Baptist business.
- 2.2.3.4. Storage on Baptist's property of illegal drugs, drug paraphernalia, unauthorized controlled substances, or alcohol.
- 2.2.3.5. Use of alcohol or use, possession, manufacture, distribution, or sale of illegal drugs or controlled substances off hospital premises that adversely affects the employee's work performance, his or her own safety or the safety of others at work, or Baptist's regard or reputation in the community.
- 2.2.3.6. Theft and/or diversion of drugs or controlled substances.
- 2.2.3.7. Substance abuse of any kind.
- 2.2.3.8. Testing positive for any illegal drugs, unauthorized controlled substance, or alcohol.
- 2.2.3.9. Refusing to complete necessary forms for substance abuse testing or refusing immediately to submit to substance abuse testing when requested by Baptist in accordance with Section 2.7 set forth below.
- 2.2.3.10. Switching, adulterating/contaminating, or attempting to switch or adulterate/contaminate any specimen submitted for substance abuse testing.
- 2.2.3.11. Failure to notify Baptist of a conviction of a criminal drug statute within five days of the conviction as required by Section 2.3 set forth below.
- 2.2.3.12. Conviction under any criminal drug statute.
- 2.2.3.13. Failure to report to Baptist use of prescription and non-prescription drugs that may affect the employee's ability to perform the employee's job safely as required by Section 2.5 of this policy set forth below.
- 2.2.3.14. Failure to submit to a search as provided in Section 2.4 set forth below.

2.3. Reporting Convictions

- 2.3.1. An employee convicted of violating a criminal drug statute (including pleas of guilty or no contest) must inform the Human Resources Department of such conviction within five(5) days of the conviction. Failure to provide such notification will constitute a violation of this policy and will result in disciplinary action.

2.4. Searches and Investigations

- 2.4.1. Baptist reserves the right to search an employee or any locker, desk, office, or other property owned or controlled by the organization for alcohol or illegal or unauthorized drugs. Searches may also be made of an employee's personal property or automobile located on property owned or controlled by the

- organization. Management is accountable for consulting with the Corporate Human Resources representative prior to authorizing and/or conducting a search.
- 2.4.2. Baptist further requires all employees to cooperate in any investigation into alcohol and/or drug use in the workplace. Refusing to submit immediately to a search or cooperate in an investigation when requested by management or security personnel will normally result in disciplinary action, which may include termination of employment.
- 2.5. Prescription and Non-Prescription Drugs
- 2.5.1. An employee's use of prescription or non-prescription medication prior to the start of the employee's shift or while at work may, under certain circumstances, pose a risk to the safety of the employee or others. An employee who believes, has reason to believe or has been informed that the use of prescription or non-prescription medication may present a safety hazard should consult confidentially with his/her manager or an employee health representative before beginning work.
- 2.5.2. In such cases, the employee must provide a note from the prescribing/treating physician(s) stating that the use of the medication at the prescribed dosage level is consistent with safe performance of the employee's duties. If the employee does not present a note, he/she will not be allowed to work until the appropriate medical documentation is obtained and provided to the appropriate Employee Health representative.
- 2.5.3. An employee who takes prescription or non-prescription medication without realizing the potential risks to the safety of the employee or others and then determines he/she is not fit for duty has an obligation to immediately communicate this information to his/her supervisor and/or employee health representative.
- 2.5.4. An employee who takes prescription or non-prescription medication without realizing the potential risks to the safety of the employee or others and then determines he/she is not fit for duty has an obligation to immediately communicate this information to his/her supervisor and/or employee health representative.
- 2.6. Management Responsibilities
- 2.6.1. Early Identification and Intervention
- 2.6.1.1. Management is responsible for being alert to changes in employees' routines which may signal existing or potential substance abuse problems. Early indications may include interrupted attendance patterns, poor job performance, or other similar observations. In these circumstances, management is expected to contact Human Resources to determine if employee assistance is warranted. Such referrals do not preclude disciplinary measures where appropriate.
- 2.6.2. Responding to Reasonable Suspicion Incidents
- 2.6.2.1. Management should be alert at all times during employees' work shifts to indicators of drug or alcohol impairment. If a manager has reason to suspect that an employee is under the influence of or impaired by alcohol, illegal drugs or a

controlled substance, Human Resources should be contacted. Reasonable suspicion is defined as a belief based on objective facts and rational inferences which may be drawn from such facts, or based on direct or reported observations from a verifiable source that the employee is using or is impaired by drugs or alcohol. Circumstances which may constitute reasonable suspicion may include, but are not limited to, the following:

- 2.6.2.1.1. Observed alcohol or drug use during working hours
- 2.6.2.1.2. Impairment of motor functions
- 2.6.2.1.3. Slurred or incoherent speech
- 2.6.2.1.4. Disorientation
- 2.6.2.1.5. Unusually aggressive behavior
- 2.6.2.1.6. Incoherent or irrational mental state
- 2.6.2.1.7. Sleepiness
- 2.6.2.1.8. Smell of alcohol or marijuana
- 2.6.2.1.9. Frequent or extreme mood changes
- 2.6.2.1.10. Lack of physical coordination in walking or performing tasks
- 2.6.2.1.11. Unexplained absences from work area
- 2.6.2.1.12. Declining job performance
- 2.6.2.1.13. Unexplained changes in grooming or personal behavior
- 2.6.2.2. Based on the assessment by the manager and in consultation with Human Resources, appropriate actions will be taken.
- 2.6.2.3. If the situation appears to require emergency medical treatment, management will immediately seek such emergency assistance for the employee and notify Employee Health and Human Resources.
- 2.6.2.4. In non-emergency situations, management will generally require the employee to submit to a drug and/or alcohol test. An employee's refusal of such tests normally results in discharge.
- 2.6.2.5. A cab voucher or appropriate transportation will be offered to the impaired individual. An impaired employee should not be allowed to drive.
- 2.7. Substance Abuse Testing
 - 2.7.1. Employee alcohol and drug testing may be performed when:
 - 2.7.1.1. An employee's actions contribute to an accident that results in property damage, injury, or death;
 - 2.7.1.2. There is reasonable suspicion that an employee is impaired by alcohol or drug use;
 - 2.7.1.3. There is reasonable suspicion of theft and/or diverting drugs;
 - 2.7.1.4. An employee is in possession of prescription medication that does not identify the drug, date of prescription, and prescribing doctor, unless the employee provides a satisfactory explanation for his/her possession of any such non-identified prescription medication that is acceptable to Baptist;
 - 2.7.1.5. An employee is subject to drug or alcohol testing as a follow-up to treatment; and
 - 2.7.1.6. An employee is convicted of violating a criminal drug statute (including pleas of guilty or no contest).

- 2.7.2. If an employee refuses immediately to submit to testing, disciplinary action may be taken up to and including termination of employment.
- 2.7.3. If the results of the substance abuse test are positive (confirmed positive by a second test on the same sample), the employee generally will be terminated unless he/she qualifies for Baptist Assistance Toward Recovery as set forth in VIII below and agrees to comply with all applicable conditions.
- 2.8. Consequences for Violation of this Policy
 - 2.8.1. Discharge
 - 2.8.1.1. The violations listed below and/or similar violations of this policy normally result in discharge. This means in these situations Baptist will not provide assistance toward recovery:
 - 2.8.1.1.1. Possession with apparent intent to sell or distribute drugs, selling or distributing drugs, stealing/ misappropriation of drugs or diversion of drugs (from patient(s)). These offenses may occur at work, on Baptist premises, off premises, or may be related to a conviction, or plea to a lesser offense away from work, or other incriminating circumstances not specified.
 - 2.8.1.1.2. Diversion of drugs.
 - 2.8.1.1.3. Felony conviction under any criminal drug statute.
 - 2.8.1.1.4. Failure to notify Baptist of a conviction of a criminal drug statute within five days of the conviction.
 - 2.8.1.1.5. Failing to cooperate immediately with a search and/or investigation related to drug and/or alcohol use in the workplace.
 - 2.8.1.1.6. Refusal to submit immediately to a substance abuse test when requested by Baptist pursuant to Section VII above or altering or adulterating/contaminating a specimen submitted for substance abuse testing.
 - 2.8.1.1.7. Possession of illegal drugs or drug paraphernalia on Baptist's premises, including the employee's possessions and automobiles that are located on Baptist's property.
 - 2.8.1.1.8. Positive confirmed test result for illegal drugs.
 - 2.8.1.1.9. Positive confirmed test result for alcohol or an unauthorized controlled substance unless there is a finding of an addictive disorder and Baptist decides in its sole discretion to provide assistance towards recovery.
 - 2.8.2. Baptist Assistance Toward Recovery
 - 2.8.2.1. Baptist recognizes that some employees may have addictive disorders with resulting loss of control, and that proper intervention, in appropriate circumstances, may facilitate recovery and sustain the employment relationship. As set forth in detail below, under limited circumstances, based upon Baptist's sole discretion, Baptist will assist an employee toward recovery. In such circumstances, treatment for substance abuse alone will not jeopardize an employee's continued employment. However, enrollment in a substance abuse program will not prevent disciplinary action for violating the provisions of this policy. In addition, specific conditions for receiving Baptist's assistance are provided below.

- 2.8.2.2. Baptist recognizes that some employees may have addictive disorders with resulting loss of control, and that proper intervention, in appropriate circumstances, may facilitate recovery and sustain the employment relationship. As set forth in detail below, under limited circumstances, based upon Baptist's sole discretion, Baptist will assist an employee toward recovery. In such circumstances, treatment for substance abuse alone will not jeopardize an employee's continued employment. However, enrollment in a substance abuse program will not prevent disciplinary action for violating the provisions of this policy. In addition, specific conditions for receiving Baptist's assistance are provided below.
- 2.8.2.3. Such referrals are coordinated by the Human Resources Director and/or Employee Health designee with a provider who specializes in addictive disorders and is acceptable to Baptist. If the medical assessment confirms that an employee has an addictive disorder relating to alcohol or a controlled substance and that the offense was due to the employee's loss of control, the employee will generally receive Baptist's assistance toward recovery.
- 2.8.2.4. Employees confirmed to have addictive disorders are eligible for sick leave benefits, as stated in the Handbook, and health plan coverage under provisions of the plan. If medical assessment does not confirm an addictive disorder with loss of control, no assistance toward recovery is available, and these offenses normally result in discharge.
- 2.8.3. Conditions of Baptist Assistance Toward Recovery
 - 2.8.3.1. When treatment is required in response to a drug or alcohol related offense, a sustained employment relationship is contingent upon successful completion of a formalized drug/alcohol treatment program as administered by a designated in-patient and/or out-patient facility. Employees who undergo treatment for substance abuse and continue to work or return to work during treatment or return to work upon completion of treatment must meet all established, standards of conduct, and job performance, must enter into a return to work agreement (described in more detail below) and must comply with all conditions of the substance abuse treatment program.
 - 2.8.3.2. Along with an approved formalized medical treatment plan, the employee is required to sign a return-to-work agreement which remains in effect for two years after treatment which includes random testing at the employee's expense. Before assistance is provided, the employee is required to sign a standard consent form authorizing the designated provider to release pertinent treatment, progress, discharge planning and related information to an authorized Baptist representative(s). A component of the treatment process is to involve any appropriate peer assistance programs.
 - 2.8.3.3. Employee Health maintains the return-to-work agreement and works closely with the designated provider for purposes of confidentially facilitating and monitoring an employee's entry and progression through the treatment program. The Employee Health representative, and provider's representative also work together

monitoring progress following an employee's return to work. An employee must comply with all provisions of the return to work agreement. Failure to do so will normally result in termination of employment.

- 2.9. Reporting to an Outside Peer Review / Regulatory Organizations
 - 2.9.1. Based upon the circumstances surrounding any substance abuse issues, Baptist will comply with any applicable reporting requirements based upon designated licensure and/or regulation. Any reporting to a peer review organization or external agency must be coordinated with Human Resources, the Chief Nursing Officer if nursing related, Pharmacy Director if applicable and/or the entity CEO.
- 2.10. Confidentiality
 - 2.10.1. All reasonable steps will be taken to keep information related to employee substance abuse and the results of any substance abuse tests confidential. Only persons with a well-defined need to know will be informed.

3. Definitions

- 3.1. Substance Abuse - is defined as the use of any substance in a manner that deviates from accepted medical, social and legal patterns and includes: (a) reporting to work, working, or otherwise pursuing Baptist business while under the influence of, or impaired by, alcohol or any other drug; (b) chemical dependency on, or abuse of, alcohol or any other drug where the job performance or safety of employees, patients, or students is adversely affected; or (c) the use of any illegal drug.
- 3.2. Illegal Drug - any drug or substance whose possession and/or use is prohibited under state or federal law.
- 3.3. Improper use of Substance - all prescription drugs or over the counter drugs not legally obtained or not being used for the purpose or in the manner for which they were prescribed and/or manufactured.
- 3.4. Drug - any substance other than alcohol capable of altering the user's judgment, perception, mood, or impairing the user's physical or mental reactions.
- 3.5. Alcohol or Alcoholic Beverage - any consumable substance that has a measurable alcoholic content.

4. Procedure

- 4.1. Not applicable for this policy.

5. Related Information

- 5.1. None.
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APPENDIX A

Federal Penalties and Sanctions for Illegal Trafficking and Possession of a Controlled Substance

Trafficking

Unlawful distribution, possession with intent to distribute, manufacture, importation and exportation, etc. (21 U.S.C. 841, 960, 962, and 46 U.S.C. 70506)¹			
1 st offense			
<i>Substance</i>	<i>Amount</i>	<i>Fine</i>	<i>Imprisonment</i>
Heroin			
	1 kilogram ² or more	\$10/50 million	10 years to life
	100 to 999 grams	\$5/25 million	5 to 40 years
	Less than 100 grams	\$1/5 million	Up to 20 years
Coca leaf and derivatives			
	5 kilograms or more	\$10/50 million	10 years to life
	500 to 4999 grams	\$5/25 million	5 to 40 years
	Less than 500 grams	\$1/5 million	Up to 20 years
Ecgonine (a cocaine precursor)			
	5 kilograms or more	\$10/50 million	10 years to life
	500 to 4999 grams	\$5/25 million	5 to 40 years
	Less than 500 grams	\$1/5 million	Up to 20 years
Coca leaves, cocaine, or ecgonine containing cocaine base ("Crack," etc.)			

280 grams or more	\$10/50 million	10 years to life
28 to 279 grams	\$5/25 million	5 to 40 years
Less than 28 grams	\$1/5 million	Up to 20 years
PCP (phencyclidine)		
100 grams or more	\$10/50 million	10 years to life
10 to 99 grams	\$5/25 million	5 to 40 years
Less than 10 grams	\$1/5 million	Up to 20 years
Mixture or substance containing detectable amount of PCP		
1 kilogram or more	\$10/50 million	10 years to life
100 to 999 grams	\$5/25 million	5 to 40 years
Less than 100 grams	\$1/5 million	Up to 20 years
LSD (lysergic acid diethylamide)		
10 grams or more	\$10/50 million	10 years to life
1 to 9 grams	\$5/25 million	5 to 40 years
Less than 1 gram	\$1/5 million	Up to 20 years
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl, i.e., "synthetic heroin") 400 grams or more (or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of it)	\$10/50 million	10 years to life
40 to 399 grams (or 10-99 grams of a mixture containing a detectable amount of any analogue of it)	\$5/25 million	5 to 40 years

Less than 40 grams	\$1/5 million	Up to 20 years
Marihuana		
1000 kilograms or more or 1000 or more plants ²	\$10/50 million	10 years to life
100 to 999 kilograms or 100 to 999 plants	\$5/25 million	5 to 40 years
50 to 99 kilograms or 50 to 99 plants	\$1/5 million	Up to 20 years
Under 50 kilograms ² , 10 kilograms of hashish, 1 kilogram of hashish oil, or 1 to 49 plants	\$250,000/\$1 million	Up to 5 years
Methamphetamine		
50 grams or more or 500 grams or more of a mixture	\$10/50 million	10 years to life
5 to 49 grams or 50 to 499 grams of a mixture	\$5/25 million	5 to 40 years
Less than 5 grams or less than 50 grams of a mixture	\$1/5 million	Up to 20 years
Gamma hydroxybutyric acid		
any weight	\$1/5 million	Up to 20 years
Flunitrazepam²		
1 gram	\$1/5 million	Up to 20 years
Less than 1 gram	\$250,000/\$1 million	Up to 5 years
Any other Schedule I or II substance		
any weight	\$1/5 million	Up to 20 years
Any other Schedule III substance		

any weight	\$500,000/\$2.5 million	Up to 15 years ⁶
Any other Schedule IV substance		
any weight	\$250,000/\$1 million	Up to 5 years ⁷
Any Schedule V substance		
any weight	\$100,000/\$250,000	Up to 1 year
2 nd offense ⁸		
Heroin		
1 kilogram or more	\$20/75 million	20 years to life
100 to 999 grams	\$8/50 million	10 years to life
Less than 100 grams	\$2/10 million	Up to 30 years
Coca leaf and derivatives		
5 kilograms or more	\$20/75 million	20 years to life
500 to 4999 grams	\$8/50 million	10 years to life
Less than 500 grams	\$2/10 million	Up to 30 years
Ecgonine (a cocaine precursor)		
5 kilograms or more	\$20/75 million	20 years to life
500 to 4999 grams	\$8/50 million	10 years to life
Less than 500 grams	\$2/10 million	Up to 30 years
Coca leaves, cocaine, or ecgonine containing cocaine base ("Crack," etc.)		

280 grams or more	\$20/75 million	20 years to life
28 to 279 grams	\$8/50 million	10 years to life
Less than 28 grams	\$2/10 million	Up to 30 years
PCP (phencyclidine)		
100 grams or more	\$20/75 million	20 years to life
10 to 99 grams	\$8/50 million	10 years to life
Less than 10 grams	\$2/10 million	Up to 30 years
Mixture or substance containing detectable amount of PCP		
1 kilogram or more	\$20/75 million	20 years to life
100 to 999 grams	\$8/50 million	10 years to life
Less than 100 grams	\$2/10 million	Up to 30 years
LSD(lysergic acid diethylamide)		
10 grams or more	\$20/75 million	20 years to life
1 to 9 grams	\$8/50 million	10 years to life
Less than 1 gram	\$2/10 million	Up to 30 years
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (Fentanyl, i.e., "synthetic heroin") 400 grams or more (or 100 grams or more of a mixture or substance containing a detectable amount of any analogue of it)		
40 to 399 grams (or 10-99 grams of a mixture containing a detectable amount of any analogue of it)	\$8/50 million	10 years to life
Less than 40 grams	\$2/10 million	Up to 30 years

Marihuana		
1000 kilograms or more or 1000 or more plants)	\$20/75 million	20 years to life
100 to 999 kilograms or 100 to 999 plants)	\$8/50 million	10 years to life
50 to 99 kilograms or 50 to 99 plants ²	\$2/10 million	Up to 30 years
Less than 50 kilograms, ¹⁰ 10 kilograms of hashish, 1 kilogram of hashish oil, or 1 to 49 plants	\$500,000/\$2 million	Up to 10 years
Methamphetamine		
50 grams or more	\$20/75 million	20 years to life
5 to 49 grams	\$8/50 million	10 years to life
Less than 5 grams	\$2/10 million	Up to 30 years
Gamma hydroxybutyric acid		
any weight	\$2/10 million	Up to 30 years
Flunitrazepam ¹¹		
1 gram	\$2/10 million	Up to 30 years
Less than 1 gram	\$500,000/\$2 million	Up to 10 years
Any other Schedule I or II substance		
any weight	\$2/10 million	Up to 30 years
Any other Schedule III substance		
any weight	\$1 million/\$5 million	Up to 30 years

Any other Schedule IV substance		
any weight	\$500,000/\$2 million	Up to 10 years
Any Schedule V substance		
any weight	\$200,000/\$500,000	Up to 4 years
3 rd offense		
A Schedule I or II substance singled out for special penalty treatment (as indicated above) in amounts constituting a top level offense	Same as 2 nd offense	Life
Cultivation on Federal property (21 U.S.C. 841(b)(5))		
Any offense		
All substances/all weights	Greater of \$500,000/ \$1 million or the maximum fine for distribution of the substance involved	Maximum term for distribution of the substance involved
Environmental damage on Federal property resulting from controlled substance manufacturing or distribution (21 U.S.C. 841(b)(6))		
Any offense ¹²		
All substances	Up to \$250,000	Up to 5 years
Offenses involving essential (listed) chemicals, generally (21 U.S.C. 841(c))		
Any offense ¹³		

List I chemicals [under 21 U.S.C. 802(34)]	Up to \$250,000	Up to 20 years
List II chemicals [under 21 U.S.C. 802(35)]	Up to \$250,000	Up to 10 years
Wrongful distribution or possession of essential (listed) chemicals (21 U.S.C. 841(f))		
Knowing unlawful distribution		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$250,000	Up to 5 years
Knowing possession of unreported listed chemicals		
Listed chemicals [under 21 U.S.C. 802 (33)]	Up to \$100,000	Up to 1 year
Internet Sales of Date Rape Drugs (21 U.S.C. 841(g))		
Knowingly using the Internet to distribute a date rape drug ¹⁴	Up to \$250,000	Up to 20 years
Dispensing Controlled Substances by Means of the Internet (21 U.S.C. 841(h))		
Knowingly or intentionally using the Internet to deliver, distribute, or dispense a controlled substance without a valid prescription ¹⁵ (or aiding or abetting such activity)	Sentences determined according to the penalties authorized under 21 U.S.C. 841(b) ¹⁶	
Regulatory offenses & use of communications to facilitate distribution (21 U.S.C. 842, 843)		
1 st offense		
Generally ¹⁷	Up to \$100,000	Up to 1 year
Deception offenses, etc. ¹⁸	Up to \$250,000	Up to 4 years
Methamphetamine equipment offenses	Up to \$250,000	Up to 10 years
Advertisement offenses ¹⁹	Up to \$250,000	Up to 4 years

False labeling of anabolic steroids ²⁰	Up to \$100,000	Up to 1 year
2 nd offense		
Generally	Up to \$250,000	Up to 2 years
Deception offenses, etc.	Up to \$250,000	Up to 8 years
Methamphetamine equipment offenses	Up to \$60,000	Up to 20 years
Advertisement offenses	Up to \$250,000	Up to 8 years

**Manufacturing or Distributing Controlled Substances
Within 1000 Feet of a Truck Stop or Highway Rest Area
(21 U.S.C. 849)**

1 st offense		
All substances	Up to twice the penalties otherwise authorized	
2 nd offense		
All substances	Up to three times the penalties otherwise authorized	

Distribution to persons under age 21 by those age 18 or older (21 U.S.C. 859)

1 st offense		
All substances	Up to twice the penalties otherwise authorized ²¹	
2 nd offense		
All substances	Up to three times the penalties otherwise authorized	

Distribution or manufacturing in or near schools, colleges, or certain youth-centered recreational facilities (21 U.S.C. 860, 860a)²²

1 st offense		
All substances (except methamphetamine)	Up to twice the penalties otherwise authorized for distribution or manufacture but at least 1 year in prison ²³	
2 nd offense		
All substances (except methamphetamine)	Up to three times the penalties otherwise authorized for distribution or manufacture but at least 3 years in prison	
Any offense involving methamphetamine	Other sentence as imposed plus imprisonment for no more than 20 years	

Trafficking in drug paraphernalia (21 U.S.C. 863)

Interstate or foreign sale and transportation of, or use of the mails to sell, drug paraphernalia	Up to \$250,000	Up to 3 years
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Possession

Simple possession (21 U.S.C. 844)²⁴

1 st offense	Not less than \$1,000	Up to 1 year
2 nd offense ²⁵	Not less than \$2,500	15 days to 2 years
3 rd offense	Not less than \$5,000	90 days to 3 years
Any offense		
Flunitrazepam	Up to \$250,000	Up to 3 years

Controlled Substance Violations and Other Crimes/Activity

Attempt and conspiracy (21 U.S.C. 846, 963)

Any offense

All substances

Same as penalties for the underlying offense

Use of a controlled substance to commit a crime of violence (21 U.S.C. 841(b)(7))

Any offense²⁶

All substances

Up to
\$250,000

Up to 20 years

Boobytraps on Federal property (21 U.S.C. 841(d))²⁷

1st offense

Up to
\$250,000

Up to 10 years

2nd offense

Up to
\$250,000

Up to 20 years

Continuing Criminal Enterprise (CCE) ("kingpin") (21 U.S.C. 848)²⁸

1st offense

All substances

Up to \$2
million

20 years to life

2nd offense

All substances

Up to \$4
million

30 years to life

Any offense, if the offender is a major participant, involving an enterprise that grosses \$10 million a year or more or involving 300 times²⁹ the amount of controlled substances required to trigger the most severe

distribution penalties of 21 U.S.C. 841

All substances	Up to \$4 million	life
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Establishing manufacturing operations (21 U.S.C. 856)

Opening, maintaining, financing or making available a place for unlawful manufacture, distribution or use of controlled substances

All substances	Up to \$500,000	Up to 20 years
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Endangering human life while illegally manufacturing a controlled substance (21 U.S.C. 858)

Any offense

All substances	Up to \$250,000	Up to 10 years
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Employment of persons under 18 years of age (for violation of the CSA) or unauthorized distribution to a pregnant individual (21 U.S.C. 861)

1st offense

Generally	Up to twice the penalties otherwise authorized for the underlying offense but at least 1 year in prison ²⁰
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2nd offense

Generally	Up to three times the penalties otherwise authorized for the underlying offense but at least 1 year in prison ²¹
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Any offense

Use of person under 14 or distribution to a person under 18	Up to \$50,000	Up to 5 years
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Narco-Terrorism (21 U.S.C. 960a)

Engaging in prohibited drug activity knowing or intending to provide anything of pecuniary value to terrorists	Up to \$250,000	At least twice the minimum punishment authorized under 21 U.S.C. 841(b)(1)
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Theft of anhydrous ammonia, or transportation of stolen anhydrous ammonia with intent or knowledge that such will be used to manufacture a controlled substance (21 U.S.C. 864)

1 st offense	Up to \$250,000	Up to 4 years
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2 nd offense	Up to \$250,000	Up to 8 years
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Violation of regulations proscribing financial transactions with significant foreign narcotics traffickers (21 U.S.C. 1906)

Any offense (individual)	Up to \$250,000	Up to 10 years
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Any offense (organization)	Up to \$10,000,000	
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Any offense (organization officer or agent)	Up to \$5,000,000	Up to 30 years
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Travel Act: use of interstate facilities in aid of a racketeering enterprise involving controlled substances (18 U.S.C. 1952)

Any substance and the intent to commit the following act:

A crime of violence in furtherance of the racketeering enterprise	Up to \$250,000	Up to 20 years, or any term of years or life if death results
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Distributing the proceeds from the racketeering enterprise	Up to \$250,000	Up to 5 years
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Promotion or facilitation of the racketeering enterprise	Up to \$250,000	Up to 5 years
Use or possession of firearms or armor piercing ammunition in connection to a drug trafficking crime (18 U.S.C. 924(c))³²		
1 st offense involving a firearm		
Generally		Not less than 5 years
If a firearm is brandished		Not less than 7 years
If a firearm is discharged		Not less than 10 years
If firearm is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon		Not less than 10 years
If firearm is a machinegun or destructive device, or equipped with a silencer/muffler		Not less than 30 years
2 nd or subsequent offense involving a firearm		
Generally		Not less than 25 years
If firearm is a machinegun or destructive device, or equipped with a silencer/muffler		life
Any offense involving armor piercing ammunition		
Use or possession		Not less than 15 years
If such ammunition is used for murder		Any term of years or life
If such ammunition is used for manslaughter	Up to \$250,000	Up to 10 years
If such ammunition is used for manslaughter	Up to	Up to 6 years

\$250,000

Robberies Involving Controlled Substances (18 U.S.C. 2118(a))

Any offense

Any quantity of a controlled substance in the care, custody, control, or possession of a DEA registrant, if (1) the replacement cost of such material is not less than \$500, (2) the robber (or person who attempted to rob the substance) traveled in interstate or foreign commerce or used any facility in interstate/foreign commerce to facilitate such unlawful taking, or (3) another person was killed or suffered significant bodily injury due to the robbery or attempted robbery	Up to \$250,000	Up to 20 years
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If the person committing this offense assaults any person (or jeopardizes the life of any person) by using a dangerous weapon	Up to \$250,000	Up to 25 years
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If the person committing this offense kills any person	Up to \$250,000	Any term of years or life
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Burglaries Involving Controlled Substances (18 U.S.C. 2118(b))

Any offense

Any quantity of a controlled substance in the business premises or property of a DEA registrant, if (1) the replacement cost of such material is not less than \$500, (2) the burglar (or person who attempted to burglarize the premises) traveled in interstate or foreign commerce or used any facility in interstate/foreign commerce to facilitate such unlawful entry, or (3) another person was killed or suffered significant bodily injury due to the burglary or attempted burglary	Up to \$250,000	Up to 20 years
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If the person committing this offense assaults any person (or jeopardizes the life of any person) by using a dangerous weapon	Up to \$250,000	Up to 25 years
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If the person committing this offense kills any person	Up to \$250,000	Any term of years or life
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Conspiracy to Commit Robbery or Burglary Involving Controlled Substances (18 U.S.C. 2118(d))

Any offense

If two or more persons conspire to violate 18 U.S.C. 2118(a) or 2118(b), and one or more of such persons performs any overt act to effect the object of the conspiracy	Up to \$250,000	Up to 10 years
Armed career criminal: possession of a firearm by a convicted felon or other disqualified person with 3 or more prior serious controlled substance convictions (drug crimes punishable by imprisonment for 10 years or more) or prior violent crime convictions (18 U.S.C. 924(e))		
Any offense		
All substances	Up to \$250,000	Not less than 15 years
Three strikes: commission of a serious violent felony by an individual with a prior serious controlled substance conviction (drug kingpin or most seriously punished trafficking offense) and a prior serious violent felony conviction or 2 or more prior serious violent felony convictions (18 U.S.C. 3559(c))		
Any offense		
All substances	Up to \$250,000	life
Racketeering		
Commission of a pattern of racketeering activity including one or more narcotic or dangerous drug felony to invest in, acquire, operate or participate in the affairs of an interstate enterprise ((RICO)(18 U.S.C. 1963))		
Any offense		
Narcotic and dangerous drugs	Up to \$250,000	Up to 20 years or life if the maximum for the predicate is life
Compensated crime of violence in aid of RICO (18 U.S.C. 1959)		

Any offense involving any substance and the following criminal act:

Murder	Up to \$250,000	life
Kidnapping	Up to \$250,000	Up to life in prison
Maiming	Up to \$250,000	Up to 30 years
Serious injury	Up to \$250,000	Up to 20 years
Threats	Up to \$250,000	Up to 5 years
Attempt or conspiracy to murder or kidnap	Up to \$250,000	Up to 10 years
Attempt or conspiracy to maim or commit a serious assault	Up to \$250,000	Up to 3 years

Smuggling

Smuggling Goods into the United States (18 U.S.C. 545)

Any offense

All substances	Up to \$250,000	Up to 20 years
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Smuggling Goods into Foreign Countries (18 U.S.C. 546)

Any offense

All substances	Up to \$250,000	Up to 2 years
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Smuggling methamphetamine or methamphetamine precursor chemicals into the United States while using facilitated entry programs (21 U.S.C. 865)

Any offense		Imprisonment Sentence for Methamphetamine Offense Enhanced By Up to 15 years
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Smuggling a controlled substance by using an aircraft to transport it (19 U.S.C. 1590)³³

Any offense

All substances	Up to \$250,000	Up to 20 years
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Laundering Money from Controlled Substance Violations

Laundering (18 U.S.C. 1956)

Any offense

All substances	Up to greater of \$500,000 or 2X the amount of \$ laundered	Up to 20 years
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Monetary traffic in property derived from unlawful activity (18 U.S.C. 1957)

Any offense

All substances	Up to greater of \$250,000 or 2X the amount of \$ laundered	Up to 10 years
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Currency transaction and transportation reporting (31 U.S.C. 5322)

1st offense

All substances	Up to \$250,000	Up to 5 years
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2nd offense

All substances	Up to \$500,000	Up to 10 years
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Bulk cash smuggling into or out of the United States(31 U.S.C. 5332)

Knowingly concealing more than \$10,000 across a U.S. border

Up to 5 years

Investment of illicit drug profits (21 U.S.C. 854, 855)

Any offense

All substances

Up to the greater of 2X profit/proceeds or \$50,000

Up to 10 years

Tax Offenses

Attempted evasion [concerning income from controlled substance violations] (26 U.S.C. 7201)

Any offense

All substances

Up to \$250,000

Up to 5 years

Willful failure to file return [concerning income for such violations] (26 U.S.C. 7203)

Any offense

All substances

Up to \$250,000

Up to 5 years

Fraud and false statements [concerning income from such violations] (26 U.S.C. 7206)

Any offense

All substances

Up to \$250,000

Up to 3 years
