

Chancellor's Memorandum  
CM-37 – LSUHSC New Orleans Campus Fitness for Duty

**To:** Vice Chancellors, Deans, Administrative Staff, Department Heads.

**From:** LSU Health Sciences Center New Orleans Chancellor

October 8, 2019

Note: This revision supersedes CM-37 dated June 17, 2009

**I. Policy Statement**

Any individual, who works or is enrolled at Louisiana State University Health Sciences Center in New Orleans (LSUHSC-NO), is expected to report to work/school in a fit and safe condition. An individual who has an alcohol, drug, psychiatric, or medical condition(s) that could be expected to impair his ability to perform in a safe manner must self report his medical status to his supervisor and provide a signed medical release indicating his fitness for work/school to the Campus Assistance Program (CAP).

LSUHSC-NO requires all faculty, staff, residents, students, or other LSUHSC-NO workers who observe an individual who is believed to be impaired or is displaying behavior deemed unsafe at work/school to report the observation(s) to their supervisor for appropriate action. Supervisors are then required to make an administrative referral to CAP for assessment. An individual who is referred to CAP and found to be impaired must provide CAP, prior to returning to work, with a signed medical release indicating he is fit to resume his work or school responsibilities at LSUHSC-NO.

**II. Scope**

This policy applies to all faculty, staff, residents, students, contract and subcontract workers, medical staff, volunteers, laborers, or independent agents (henceforth referred to as individuals) who are conducting business on behalf of, providing services for (paid or gratis), or being trained at LSUHSC-NO.

**III. Purpose**

LSUHSC-NO promotes and protects the well-being of faculty, staff, residents, students, and patients by:

- Ensuring that an individual whose condition could place him "at risk" of causing a danger to self or others does not return to work/school until the individual is fit to return to employment/enrollment and is provided optimum support and supervision to minimize future risks and relapse.
- Identifying impaired individuals and providing assistance in obtaining care and /or rehabilitation to impaired individuals.
- Ensuring impaired individuals are fit for employment/enrollment upon return to LSUHSC-NO.

**IV. Definitions**

Administrative Referral Form - is a form used by supervisors to document the reason(s) an individual is believed to be impaired or in an unsafe condition at work/school.

At Risk Individual - an individual whose condition is in remission, who is at risk for relapse, and if a recurrence of his problem(s) re-occur could pose a danger to self or others.

Continuation of Employment/Enrollment Contract - is a contract between LSUHSC-NO and an individual that establishes conditions under which LSUHSC-NO shall allow an "at risk" individual to continue in his employment/enrollment.

Drug - is defined as a controlled substance according to schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812).

Medical Release - Fitness for Employment/Enrollment Form - is an LSUHSC-NO form that must be completed by an appropriate physician or therapist indicating the individual's fitness to return to work or school.

Unsafe/Impaired Condition – A medical or psychiatric condition, a substance use disorder, prescription medications that could be expected to impair, or does impair, someone's ability to function in a safe manner, disruptive behavior, or any other condition that could be expected to impair his ability to perform work/school duties in a safe manner.

Signs of Unsafe/Impaired Behavior - unsafe/impaired symptoms may include, but are not limited to, the following:

- Drowsiness or sleepiness
- Alcohol and/or drug odors on the breath
- Slurred or incoherent speech
- Confusion
- Aggressive behavior
- Unexplained mood changes
- Lack of manual dexterity
- Lack of coordination
- Work or school related accidents or injuries where a reasonable suspicion of substance abuse exists
- Excessive sloppiness
- Illegible or errant charting
- Leaving work area for extended periods or unexplained reasons

Pronouns - Generic masculine pronouns, such as he/him/his are used when addressing an "indefinite" or "undefined" individual and are used to address both male and female when the gender is unknown. The singular encompasses the plural.

Substance Use Disorder – A disorder where an individual's use of alcohol or another substance (drug) leads to health issues or problems at work, school, or home.

University Management – The administrative authority for all individuals, except students, shall rest with the Dean of the respective school, the Vice Chancellor of the administrative division (e.g. Academic Affairs, Administration and Finance, Clinical Affairs or Community and Multicultural Affairs, etc.), Human Resource Management or, the Chancellor, in the case of the Chancellor's office, where the individual is employed. Administrative authority for students shall rest with the Dean of the school where the student is enrolled or her/his designee (e.g. the Associate Dean of Students).

## V. Self Referral Procedures

An individual must report their medical status to his supervisor and obtain a Medical Release Fitness for Employment/Enrollment Form through CAP (see Section IX) if:

- He is seeking treatment or is being treated for substance use disorder while employed/enrolled at LSUHSC-NO,
- He is hospitalized for or absent from work/school due to a medical or psychiatric condition that could be expected to impair his ability to perform his work/school duties in a safe manner, or
- He is taking prescription medication(s) that could be expected to impair his ability to perform their work/school duties in a safe manner.

The following procedures shall be followed once the supervisor is notified by the individual of their medical status:

- The supervisor shall notify University Management for administrative approval to make the referral to CAP,
- Once approval is granted, the supervisor then contacts and consults with CAP (504-568-8888) for CAP to determine the appropriate services to be administered for the administrative referral. CAP will complete the services recommended section on the administrative referral form,
- The supervisor then makes the administrative referral to the Campus Assistance Program by documenting the self-report from the individual on the administrative referral form (See Attachments),
- The individual as well as the supervisor and/or University Management must sign the administrative referral form prior to CAP meeting with the individual. In any event, University Management will be notified of the administrative referral.

#### VI. Referral Procedures for Individuals Who are Found to be Impaired at Work/School

When an individual appears to be in an unsafe/impaired condition for work/school, the following procedures should be followed:

##### A. Identifying the Individual

Supervisors who observe or receive any information about an individual who is believed to be in an unsafe/impaired condition at work/school must document the incident on an Administrative Referral form (See Attachments), notify University Management and interview the individual.

- The supervisor shall notify University Management for administrative approval to make the referral to CAP,
- Once approval is granted, the supervisor shall contact and consult with the Campus Assistance Program (504- 568-8888) for CAP to determine the appropriate services to be administered for the administrative referral. CAP will complete the services recommended section on the administrative referral form,
- The supervisor will interview the individual to first determine accuracy of report and then to discuss concerns, behaviors, and/or observations that require the administrative referral,
- The supervisor then makes the administrative referral to the Campus Assistance Program by documenting the observed behavior on the administrative referral form,
- The individual as well as the supervisor and/or University Management must sign the administrative referral form prior to CAP meeting with the individual. In any event, University Management will be notified of the administrative referral.

##### B. Suspension from Work or School

Upon administrative referral, University Management shall suspend the individual, with pay (if applicable), from his work/school responsibilities, pending an investigation; give suspension instructions (See Attachments) to the individual; and immediately refer the individual to the Campus Assistance Program (CAP) for assessment/treatment.

##### C. Referral of Impaired Individuals

Once University Management has given its approval the supervisor or University Management shall:

1. Inform the individual that his behavior has been documented and that an administrative referral has been made to CAP for evaluation and/or drug testing as determined by the Campus Assistance Program.
2. Contact CAP by calling (504) 568-8888, provide the CAP counselor with a copy of the completed Administrative Referral Form, and immediately and directly escort the individual to CAP for an appropriate evaluation. The supervisor, or his designee, may remain with the individual until completion of the evaluation.

## VII. Sanctions

Sanctions that may be imposed on individuals who violate this policy include:

- Oral/written warning
- Written reprimand
- Suspension with/without pay
- Termination

Refusal of assistance, evaluation, and/or drug testing shall result in notification of University Management and is grounds for termination or suspension. The LSUHSC-NO Campus Police shall be notified to escort the individual from LSUHSC-NO premises.

City, state, or professional licensing boards and other agencies, shall be informed if applicable and/or as required.

## VIII. Assistance Program Evaluations

As part of the CAP evaluation, the CAP Counselor may request additional psychiatric evaluations, medical evaluations, or laboratory testing including testing for the presence of alcohol and/or drugs. Additional evaluations and tests beyond the scope of normal services provided by CAP will be the financial responsibility of the individual. Refusal of assistance will result in CAP case closure and sanctions.

If an evaluation reveals that an individual is impaired, the supervisor shall be informed orally and in writing by the CAP Counselor that the individual referred for evaluation is not fit for work or school. The supervisor shall then contact University Management to report CAP's findings. If the individual is in an unsafe/impaired condition, he shall be sent home. The impaired individual shall be offered assistance and discouraged from driving. If an evaluation reveals that an individual is posing a danger to self or others, the CAP Counselor shall arrange for appropriate clinical intervention.

## IX. Medical Release: Fitness for Employment/Enrollment Form

### A. Medical Release Stating No Follow-Up Treatment Is Necessary

Prior to returning to work or school, an individual who requires no follow-up treatment must:

- Provide CAP with a Medical Release - Fitness For Employment/ Enrollment Form signed by an appropriate physician or therapist indicating the individual's fitness for work/school and stating that no further follow-up treatment is needed, and
- Obtain an evaluation and clearance from CAP.

### B. Medical Release Stating Follow-Up Treatment Is Necessary

An "at risk" individual who has been removed from work/school and who has: 1) tested positive for the presence of alcohol or drugs and/or (2) been diagnosed or treated for medical and/or psychiatric problems and whose condition is in remission as the result of ongoing therapy, may return to work/school if he agrees to and provide the following:

- A signed Medical Release - Fitness for Employment/Enrollment Form and medical evidence indicating their fitness for work/school;
- Evidence of continued care and an outpatient treatment plan approved by CAP;
- A signed Continuation of Employment/Enrollment Contract;
- Agreement to have close performance monitoring;
- Agreement to have alcohol and drug testing, if the individual tested positive for alcohol or drugs or was diagnosed with an alcohol or drug abuse/dependency problem;
- Agreement to have periodic medication checks and laboratory testing, if the individual was diagnosed with a condition(s) requiring psychotropic medication.

#### X. Continuation of Employment/Enrollment Contract

LSUHSC-NO shall require as a condition of continued employment/enrollment an "at risk" individual to maintain a continued care plan either recommended or approved by CAP and sign a Continuation of Employment/Enrollment Contract with the following stipulations:

- LSUHSC-NO shall require, as a condition of continued employment/enrollment, an "at risk" individual to participate in additional appropriate follow-up programs as determined by CAP. The follow-up programs may run from one to five years, with regular reports to CAP.
- The individual shall authorize all persons involved in his evaluation and/or treatment to disclose to the CAP Counselor any evaluation or information relevant to his treatment. Withdrawal or failure to complete the treatment program successfully, failure to have necessary medical or psychological evaluations, evidence of non-compliance with treatment guidelines, incomplete treatment, non-compliance with an aftercare program, or failure to abide by any part of a Continuation of Employment/Enrollment Contract shall be grounds for immediate suspension and/or termination.
- An individual who is returning to work/school will be required to provide an appropriately signed Medical Release-Fitness for Employment/Enrollment Form documenting the individual is fit to perform all duties of his position.
- Submission to periodic or random alcohol and drug tests is required as a condition for continued employment/enrollment for an individual who has tested positive for alcohol or drugs or was diagnosed with a substance use disorder. Subsequent evidence of alcohol/drug abuse, drug related misconduct, or positive alcohol/drug test may result in notification of local, state, or federal law enforcement agencies and professional licensing boards (if applicable) and shall be grounds for immediate suspension/termination of employment/enrollment.

#### XI. Confidentiality

Except as otherwise provided by this policy or in an executed release form, any information related to participation in CAP or any of its services shall be kept confidential. Information, however, may be released to the individual's immediate supervisor, Human Resources Management, University Management, the administrator(s) responsible for supervising the individual, the administrator(s) of organizations that provide personnel to LSUHSC-NO, the individual's licensing board's Impaired Professional Program (if applicable), and appropriate agencies (when required).

All alcohol and drug testing, treatment, and referral under this policy shall be done in strict confidence. Information regarding results, such as the alcohol concentration or the identification of a drug, shall be provided only to

- The Medical Review Officer (MRO),
- The individual's immediate supervisor,

- Human Resource Management,
- University Management,
- Administrator(s) responsible for supervising the individual,
- Administrator(s) of organizations that provide personnel to LSUHSC-NO,
- The individual's licensing board's Impaired Professional Program (if applicable), and
- Appropriate agencies (when required).

All alcohol and drug test results shall be maintained in separate files and handled in accordance with Confidentiality of Substance Use Disorder Patient Records regulations, 42 CFR Part 2.

#### Attachments

- [LSUHSC NO Administrative Referral form](#)
- [LSUHSC NO Supervisor's Instructions for Drug Testing and Fitness for Duty](#)
- [LSUHSC EMPLOYEE, FACULTY, RESIDENT, AND STUDENT INSTRUCTIONS DRUG TESTING & FITNESS FOR DUTY REFERRAL](#)