



EFFECTIVE DATE: 02/18/2020
SUPERSEDES: v.2 DRUG FREE
DEPARTMENT: Corporate - Human Resources
APPROVED BY: Executive Team

SUBJECT: DRUG FREE WORKPLACE

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POLICY

It is the policy of the Moody Neurorehabilitation Institute to provide a work environment free from the effects of the use of alcohol and/or drugs. To secure a safe work environment, drug testing is conducted on all employees with exception of interns, volunteers and contract personnel.

PURPOSE

This policy describes Moody Neurorehabilitation Institute's procedures for conducting drug testing of employees in its efforts to maintain a safe and drug-free workplace.

DEFINITIONS

1. Company premises includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by Moody Neuro or any site on which the company is conducting business.
2. Illegal drug means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)
3. Refusal means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
4. Under the influence of alcohol means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
5. Under the influence of drugs means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).



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PROCEDURE

- A.** Whenever employees are working, are operating any Moody Neuro vehicle, are present on Moody Neuro premises or are conducting company-related work offsite, they are prohibited from:
1. Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
 2. Being under the influence of alcohol or an illegal drug as defined in this policy
 3. Possessing or consuming alcohol
 4. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing company business or while in a company facility, is prohibited.
 5. Moody Neuro will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
 6. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

B. Pre-Employment

Applicants being considered for hire must pass a drug test before beginning work. Employment offers made prior to the pre-employment drug screen are always contingent on passing the drug screen on or before the first day of work. Refusal to submit to testing will result in disqualification of further employment consideration.

C. Reasonable Suspicion

1. Employees are subject to testing based on (but not limited to) observations by at least two members of management of apparent workplace use, possession or impairment. Human Resources or the Program Director should be consulted before sending an employee for testing. Management must use Reasonable Suspicion

Observation to document specific observations and behaviors that create a



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reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- a. Odors (smell of alcohol, body odor or urine)
 - b. Movements (unsteady, fidgety, dizzy)
 - c. Eyes (dilated, constricted or watery eyes, or involuntary eye movements)
 - d. Face (flushed, sweating, confused or blank look)
 - e. Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts)
 - f. Emotions (argumentative, agitated, irritable, drowsy)
 - g. Actions (yawning, twitching)
 - h. Inactions (sleeping, unconscious, no reaction to questions)
2. When reasonable suspicion testing is warranted, both members of management who observed the behavior will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test immediately. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

D. Post-Accident

Employees are subject to testing when they cause or contribute to accidents that damage Moody Neuro property or that result in an injury to themselves or another employee, patient/resident, or visitors. In any of these instances, the investigation and subsequent testing must take place within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.



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E. Random Selection

1. Moody Neurorehabilitation Institute will randomly drug-test employees for compliance with its drug-free workplace policy on a quarterly basis. Random testing means employees will be selected for testing using a computer-based random-number generator. This will result in an equal probability that any employee from the entire group of employees will be tested.
2. Each quarter, on a day selected by a computer-based random-date generator, the human resources department will pull a random selection of employee names and immediately notify the employees selected for testing. Testing must be completed on the same workday the employee is selected. If the selected employee is not on duty, s/he will be tested on the next shift worked.
3. If an employee selected for testing is unavailable for a legitimate reason such as an extended medical absence, human resources will document the circumstances for failure to test.
 - a. Moody Neurorehabilitation Institute has no discretion to waive the selection of an employee selected at random.

F. Inspections

Moody Neuro reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

G. Substances Covered by Drug and Alcohol Testing

1. Employees will be tested for their use of commonly abused controlled substances, which include amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances.



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H. Testing Methods and Procedures

1. Pre-employment testing can be conducted in house by licensed medical staff.
2. Post-accident testing can also be conducted in house by a licensed medical staff member, if there is no medical care needed as a result of the accident or injury.
3. Should the employee or other involved parties need immediate medical attention due to the accident, the employee will be required to submit to a drug screen at the outside medical facility.
4. In cases of reasonable suspicion, under no circumstances will the employee be allowed to drive himself or herself. A member of management must transport the employee or arrange for a cab and arrange for the employee to be transported home.
5. Testing will be conducted on a urine sample provided by the employee under procedures established by the facility to ensure the privacy of the employee, while also protecting against tampering with or alteration of the test results.
6. Employees will be considered to be engaged at work during the time spent taking a drug test and will be compensated for such time at their regular rate of pay.
7. Moody Neurorehabilitation Institute will pay for the cost of the initial testing, including the confirmation of any positive test result.

I. Refusal to Test

1. Employees who refuse to submit to a test or who adulterate, dilute or otherwise tamper with a test specimen will be subject to immediate discharge.

J. Consequences of Positive Test Results

1. If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted with an outside medical facility.
 - a. Employees must advise the outside facility of all prescription drugs taken in the past month before the test and must be prepared to show proof of such prescriptions upon request.



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2. A positive test result confirmed by a medical review officer of the laboratory will result in disciplinary action, up to and including discharge. Discipline selected by Moody Neuro will depend on a variety of factors, including the violation, prior work record of the employee, the length of employment, the prior accident and attendance record of the employee, the circumstances that led to the testing, and proposals by the employee to address the problem.
 - a. All employees have the right to discuss their test results with testing laboratory personnel and Moody Neurorehabilitation Institute. These discussions should be considered confidential except that information disclosed will be communicated to personnel within Moody Neuro or within the laboratory who need to know such information to make proper decisions regarding the test results or regarding the employment of the individual.

K. Recordkeeping

All records concerning test results will be kept by Moody Neuro in medical files that are maintained separately from employee personnel files. Employees have a right to obtain copies of all test results from the outside testing laboratory.

L. Crimes Involving Drugs

Moody Neuro prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on company premises or while conducting company business. Moody Neuro employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

Moody Neuro does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace. Therefore, Moody Neuro reserves the right to take appropriate disciplinary action for drug use, sale or distribution while off company premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug are required to report the conviction, plea or sentence to Human Resources within five days. Failure to comply will result in automatic discharge. Cooperation in complying may result in suspension without pay to allow management to review the nature of the charges and the employee's past record with Moody Neuro.