



Date Approved:

By: Manuel Jimenez Jr.  
Manuel Jimenez Jr. MA, MFT  
Behavioral Health Director

**POLICY TITLE**

**Drug Free Workplace  
Substance Use Disorder Treatment Providers**

**Policy No: 2050-1-1**

**Date Effective: 10-24-16  
Date Revised:**

**PURPOSE**

This policy is intended to ensure the safety of Alameda County Behavioral Health Care Services (BHCS) Substance Use Disorder (SUD) providers and their clients by preventing the unlawful manufacturing, distribution, dispensation, possession or use of a controlled substance in the covered workplace, and to also specify the action(s) that will be taken against SUD service providers who are in violation of this policy.

**AUTHORITY**

Current BHCS contracts with the State Department of Health Care Services (DHCS): 41 U.S. Code 8103 – Drug Free Workplace Requirements for Federal Grant Recipients; The Americans with Disabilities Act (ADA) of 1990; The Civil Rights Act of 1964; The Family and Medical Leave Act (FMLA) of 1993; 21 U.S. Code § 812 – Schedule of Controlled Substances;

**SCOPE**

This policy applies to all BHCS SUD service providers, entities, individuals and programs providing substance abuse, prevention and treatment services under a contract or subcontract with BHCS.

**POLICY**

It is the policy of BHCS that SUD service providers and their employees, contractors, interns and volunteers are aware of and are following the requirements of the Drug Free Workplace Act of 1988. While BHCS has no intention of intruding into the private lives of service providers, involvement with controlled substances (see definition) on and off the job can take its toll on job performance and employee safety. It is in the best interest of BHCS service providers, persons served and the public that service providers are in a condition to safely, effectively, professionally and efficiently perform their duties.

**PROCEDURE**

In conformance with Federal and State requirements, BHCS reaffirms its commitment to the maintenance of a drug free workplace environment. All persons covered by this policy are reminded that the unlawful manufacture, distribution, dispensation, possession and/or use of controlled substances (see definition) in the workplace is prohibited. Also, drunkenness and/or persons under the influence of other drugs at the workplace or on-the-job or the

abuse of alcohol or other drugs, including inappropriate use of prescriptions, at the workplace or on-the-job may constitute a cause or reason for disciplinary action.

As representatives of BHCS, SUD service providers are required to comply with this policy as an essential condition of their SUD services contract. All SUD Contract Providers covered by this Act must have a Drug Free Workplace Policy that includes the following:

- A. Employees are encouraged to notify the Human Resources or other Supervisor of any violation of the Drug Free Workplace Policy. Referral to treatment or appropriate disciplinary action must be taken within 30 calendar days of the reported incident. Employers may provide an employee with the opportunity to seek treatment before initiating disciplinary action. Disciplinary procedures should be applied fairly and be detailed in the policy statement.
- B. Management and Contract Provider Management shall provide each employee with a copy of the agency Drug Free Workplace Policy and establish a Drug-Free Awareness (see definition) program to inform employees about the:
  1. Dangers of drug abuse in the workplace;
  2. The published statement notifying the employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace and actions, up to termination of employment or referral to a drug treatment rehabilitation program may be taken upon violation of the Drug Free Workplace Policy.
  3. Policy of maintaining a Drug-Free Workplace Awareness Program (see definition);
  4. Availability of drug counseling, rehabilitation, and/or an employee assistance program; and
  5. Penalties that may be imposed on employees for drug abuse violations.
- C. BHCS Management and must engage SUD Contract Providers in the performance of the Drug Free Workplace Policy and provide a copy of this policy statement to service providers.
- D. BHCS Management must notify SUD Contract Providers that as a condition of their contract, SUD Contract Providers will:
  1. Abide by the terms of the Drug Free Workplace Policy; and
  2. Notify BHCS of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after the conviction.
- E. BHCS SUD Contract Providers agree to notify BHCS within 10 days after receiving notice from an employee (paid or non-paid) of an actual notice of a conviction. The notice must include the convicted employee's position title.

- F. BHCS SUD Contract Providers agree to impose a sanction on, or require the satisfactory participation in a drug treatment rehabilitation program for any employee who is convicted as required by section 8104.
- G. Through good faith effort, BHCS Management and SUD Contract Providers maintain a Drug Free Workplace environment.
- H. Failure on the part of Management and SUD Contract Providers to enforce the Drug Free Workplace Policy is in violation of Federal and State Codes referenced in this policy and consequences may result in investigations and up to termination of employment and/or contract with BHCS, prohibited from participating in any future contracts or grants for a specified period, not to exceed five years.

**DISTRIBUTION**

This policy will be distributed to:

- BHCS Staff
- BHCS County and SUD Contract Providers
- Public (posted to the SUD BHCS webpage)

**CONTACT**

BHCS Office	Current as of	Email
Quality Management Division	October 2016	QAOffice@BHCS.org

**HISTORY**

**Original Author(s):** Sharon Loveseth, LAADC; QA

**Original Date of Approval:**

**Approved by:** Manuel Jimenez Jr. MA, MFT; Behavioral Health Director

Revise Author	Reason for Revise	Date of Approval by (Name)
Sharon Loveseth	SAPT BG Annual Review 2016	

**ACCRONYMS**

Term	Definition
SAPT BG	Substance Abuse Prevention and Treatment Block Grant
SUD Service Providers	BHCS employees, contractors, interns and volunteers

DEFINITIONS

Term	Definition
<p><b>Controlled Substance</b></p>	<p>Drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependency potential.</p> <p><b>Schedule I drugs:</b> substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Some examples of Schedule I drugs are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote</p> <p><b>Schedule II drugs:</b> substances, or chemicals are defined as drugs with a high potential for abuse, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are: Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin</p> <p><b>Schedule III drugs:</b> substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence. Schedule III drugs abuse potential is less than Schedule I and Schedule II drugs but more than Schedule IV. Some examples of Schedule III drugs are: Products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, testosterone</p> <p><b>Schedule IV drugs:</b> substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence. Some examples of Schedule IV drugs are: Xanax, Soma, Darvon, Darvocet, Valium, Ativan, Talwin, Ambien, Tramadol</p> <p><b>Schedule V drugs:</b> substances, or chemicals are defined as drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics. Schedule V drugs are generally used for antidiarrheal, antitussive, and analgesic purposes. Some examples of Schedule V drugs are: cough preparations with less than 200 milligrams of codeine or per 100 milliliters (Robitussin AC), Lomotil, Motofen, Lyrica, Parepectolin</p> <p><u>Alphabetical listing of Controlled Substances:</u>  <a href="http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf">http://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf</a></p>
<p><b>Drug Free Workplace (DFW) Awareness Program</b></p>	<p>The drug-free awareness program required by the Act may include: 1) educational seminars, 2) brochures and/or posters 3) videos 4) interactive computer program, 5) mailings and/or payroll stuffers, 6) brown-bag lunch or any combination of these.</p> <p>The DFW Awareness program must include information about the SUD provider's policy, the consequences of violating the policy, as well as information about any available drug counseling or employee assistance program services.</p>