

THE UNIVERSITY OF ALABAMA AT BIRMINGHAM
SCHOOL OF HEALTH PROFESSIONS
POLICY ON IMPAIRMENT AND SUBSTANCE ABUSE

I. PREAMBLE.

Health care professionals must conduct patient care activities as fully in control of their manual dexterity and skills, mental faculties, and judgment as possible. Similar conditions in health related professions pertain to students. Lack of such control (generally termed impairment) has many causes, some of which are preventable at some stage of development. This statement of policy pertains particularly to the misuse or abuse of chemical substances, which is a potentially preventable cause of impairment. However, this policy also pertains to illegal activities pertaining to chemical substances (Section IV.E.).

The implications and consequences of impairment are considerable, especially in circumstances in which patient care activities are conducted. The School of Health Professions recognizes its responsibility to provide an optimal environment for patient care, education and research. Therefore, the School of Health Professions, as a matter of policy, will regard student misuse or abuse of chemical substances, or any other activity known to promote impairment, as misconduct subject to proscription. However, impairment as a condition will be considered an illness for which remedial or ameliorative efforts will be offered.

This document is intended to outline the ways in which the School of Health Professions will implement and administer this policy.

II. PURPOSES.

The primary purposes of this policy are the protection of patients and the protection of students. The attainment of these primary goals requires the accomplishment of additional or related objectives:

- A. The identification of those individuals who are impaired and an offering of rehabilitation when possible.
- B. The identification of those individuals whose activities form a behavior pattern likely to lead to impairment, and the interruption of such patterns of behavior before impairment occurs.
- C. The development of measures (e.g., educational programs) to assist all students and to avoid activities likely to lead to the development of preventable impairment.
- D. The proscription of activities which are illegal, and which may subject the involved individual, other individuals, and the School of Health Professions to legal penalties or consequences, in addition to deterioration of the atmosphere and circumstances under which the care of patients and the educational programs are conducted.

III. DEFINITIONS AND SCOPE.

A. DEFINITIONS.

The following are definitions and explanations, qualifications, or stipulations regarding certain terms as used in this statement of policy:

1. Chemical substance misuse will be defined as the administration of any chemical substance for any reason other than its intended proper use. Chemical substance abuse will be defined as the personal use of any chemical substance that is specifically proscribed by law or by regulation pursuant to legal authority (e.g., Schedule I drugs); the personal misuse of any legally controlled substance; or the personal use of any normally legal chemical substance (e.g., alcohol) in a manner that produces significant impairment or that produces the likelihood of the development of impairment.
2. Impairment will refer to any condition, regardless of cause, which interferes with the individual's ability to function as normally expected. Impairment may exist in one or in multiple domains, including psychomotor activity and skills, conceptual or factual recall, integrative or synthetic thought processes, judgment, attentiveness, demeanor, and attitudes as manifested in speech or actions. In this document, the term impairment will include addiction to and/or physical dependence upon chemical substances.

Two kinds of observations may reasonably lead to the conclusion that an individual is or may be impaired: The individual manifests deterioration in the level of function as compared to that previously observed, or the individual does not function at a level normally expected under the prevailing circumstances.
3. Health Profession student will refer to any individual formally enrolled in the University of Alabama at Birmingham School of Health Professions.
4. OFFICIAL, where the term appears in all-capitals, will refer to an individual designated by the Dean of the School of Health Professions. Details regarding designation, duties and responsibilities will be found in Section IV.

B. SCOPE.

This policy will pertain to the students of the University of Alabama at Birmingham School of Health Professions.

The School shall have the authority (within the limits of the University rules and regulations) to establish the necessary qualifications, circumstances and conditions for application and admission to and continued enrollment in the educational programs under its purview.

With regard to Health Professions students, the provisions and procedures of this policy are considered to pertain to “nonacademic behavior” and will be distinct and separate from policies and procedures pertaining to academic performance.

IV. PROVISIONS AND PROCEDURES.

- A. Health Professions students enrolled in the University of Alabama at Birmingham School of Health Professions will be subject to this policy if and when there is reason to conclude that the individual is impaired as a result of chemical substance abuse, or that he or she may be abusing chemical substances, even if not obviously impaired. The direct observation of chemical substance abuse or behavior may be cause for this conclusion.

Further, any such individual shall become subject to the procedures and consequences of this policy upon conviction of any illegal act pertaining to chemical substances.

- B. Upon making observations leading to the conclusion that a student may be impaired as a result of substance abuse, any School of Health Professions faculty member, staff, or student will be expected to, and any other individual may notify in writing a specifically designated OFFICIAL of the School of Health Professions. The OFFICIAL will conduct a preliminary inquiry, which will include, at a minimum, a meeting with the suspected person. Depending upon the findings of the preliminary inquiry, the OFFICIAL will initiate appropriate action. The options for the action will include:

1. Release of the individual from further action, if the original observations or the conclusions drawn from them prove to be erroneous. In addition, the OFFICIAL may investigate, and may initiate appropriate action, if a report proves to be frivolous or malicious.
2. Order tests for the presence of chemical substances, if so indicated.
3. Direct the individual to a qualified person or persons for further evaluation for chemical substance abuse and/or impairment.
4. Direct the immediate withdrawal of the individual from patient care or other activities pending further evaluation, if the situation appears to represent a threat to the safety of patients or others; or direct urgent evaluation and intervention if the individual appears to represent a threat to himself or herself.

C. CHEMICAL SUBSTANCE TESTING.

Any individual covered under this policy will be subject to mandatory testing for the presence of illegal or legally controlled substances and/or alcohol if and when there is reason to conclude that the individual is impaired as a result of chemical substance abuse, or that he or she may be abusing chemical substances, even if not obviously impaired. The conditions under which such a conclusion may reasonably be reached have been

outlined above (III.A.2.). Refusal of the individual to submit to testing in these circumstances will be grounds for dismissal from the School of Health Professions.

A positive screening test for chemical substances will be confirmed by the best currently available techniques. If the accuracy of a positive confirmatory test is disputed by the individual suspected, the confirmatory test will be repeated in a qualified laboratory of the individual's choosing at his/her expense. If the test result is not disputed, or if the additional confirmatory test is positive, the result will be taken as definitive evidence of chemical substance abuse. The entirety of the available evidence will be considered to determine the presence or absence of chemical abuse if the substance involved is one for which a bona fide medical indication exists.

If the initial screening test is negative and unless there is compelling evidence to do otherwise, the preliminary investigation will cease and the individual will be released from further action.

The cost of the initial chemical substance testing undertaken in the course of investigation, initial evaluation for substance abuse and/or impairment will be borne by the School of Health Professions. The cost of chemical substance testing performed as part of a treatment program, including maintenance monitoring, will be considered to be part of the cost of the program, and will be borne by the individual.

D. FURTHER ACTIONS AND CONSEQUENCES.

If an individual is found to have abused chemical substances, further actions and consequences will depend upon the facts of the case. Some of the major options for further action are:

1. If there is no evidence of significant ongoing impairment, he or she will be placed on probation by the School of Health Professions upon recommendation by the OFFICIAL. The individual may be subject to random drug screening for a period to be determined, based on the facts of the case. A substantiated violation of probation will constitute grounds for dismissal from the School of Health Professions.
2. An individual who is found to be impaired as a result of chemical substance abuse, and who is believed by experts in chemical substance abuse treatment to be capable of rehabilitation, will be offered an opportunity to enter an approved treatment program. Depending upon the degree of impairment, and with expert advice, patient care or other activities of the individual will be subject to appropriate restrictions during treatment. Beyond services normally offered by Student Health or similar services and support provided by individual health insurance coverage, the cost of the treatment program will be the responsibility of the individual. If rehabilitation attempts are successful, the individual may be subject to random drug screening for a period deemed appropriate, based on the

facts of the case. Any subsequent substantiated violation of this policy will constitute grounds for dismissal from the School of Health Professions.

3. Any individual found to be impaired as a result of chemical substance abuse who is unable or unwilling to enter into or comply with a treatment program or who is not rehabilitated after reasonable efforts, will be subject to dismissal from the School of Health Professions.
- E. Although this policy pertains primarily to the personal misuse and abuse of chemical substances, it is further the policy of the University of Alabama at Birmingham School of Health Professions that the violation by a health-related professions student, of any state or federal statute, or regulation established pursuant to such statute, pertaining to the manufacture, improper possession, sale or other distribution of chemical substances is strictly prohibited. Such violation, will subject the offending individual to dismissal from the School of Health Professions, in addition to any other legal consequences that may result.
- F. RECORDS.
1. In this section relating to Records, the following specifications will pertain:
 - a. The OFFICIAL will maintain, for so long as is necessary for the OFFICIAL to perform his or her functions related to an individual case under this policy, a file (hereafter referred to as case file) which will be confidential except as specified and which will be available for review by the Committee on Substance Abuse. Details regarding the contents of these case files will follow. An individual may review the contents of his or her case file by written request to the chairperson of the Committee on Substance Abuse. After the OFFICIAL has completed his or her functions under the policy related to an individual case, the case file shall be delivered to a central location designated by the Committee on Substance Abuse.
 - b. References to the student files in this document pertain to the files maintained by the program in which the student is enrolled. Student files are maintained in accord with the UAB Student Records Policy.
 2. The designated OFFICIAL to whom a report of suspected chemical substance abuse and/or impairment is made will establish and maintain a case file containing the original report, the results of the initial inquiry and any subsequent action(s) taken. If the individual is directed for additional evaluation. The written consent will be obtained from the student to allow persons performing evaluation and/or treatment to release information to the OFFICIAL:

- a. That the individual did or did not appear for and cooperate with the evaluation;
 - b. The conclusions of the evaluation; and
 - c. If impairment exists, recommendations regarding treatment and recommendations regarding any appropriate activity restrictions.
3. If treatment is indicated and initiated, the responsible treatment director will periodically report to the OFFICIAL:
- a. That the individual is or is not continuing in the treatment program, and is or is not complying with the program;
 - b. That progress is or is not satisfactory; and
 - c. Any recommendations regarding changes in the activity status of the individual.

The responsible treatment director will notify the OFFICIAL when the individual has successfully completed the active phase of treatment and has entered the maintenance phase; and will report periodically to the OFFICIAL that the individual is or is not complying with the maintenance part of the program.

4. The files maintained by the OFFICIAL will contain the above outlined records (IV.F.2. – IV.F.3.). Other records maintained by the treatment program will be considered medical records and will be subject to the rules of confidentiality appropriate thereto. Files maintained by the OFFICIAL and subsequently by the Committee on Substance Abuse, will remain separate from other student records and will remain confidential except as may be required by law, subject to the following provisions:
- a. Entry into a chemical substance treatment program as a result of provisions of this policy will be entered into the student record. Success or failure of treatment or rehabilitation efforts will also be entered into the pertinent record.
 - b. If a student enters and successfully completes a chemical substance abuse treatment program, if asked, those facts will be communicated to future employers or educational institutions to which the student may apply. Similar disclosures will be made regarding any individual covered by this policy to the licensure boards of any state to which certification is made by the School of Health Professions as required for consideration of any individual license to practice. Failure of any student to successfully complete a chemical substance abuse program, and resulting in dismissal for this reason, will be communicated to any institution or other entity

making inquiry regarding the individual's performance, **provided the individual authorizes a release of information**. Similar disclosures will be made regarding any individual dismissed from the School of Health Professions as a result of illegal activities related to chemical substances.

- c. Activity restrictions imposed as a result of actions under this policy will be communicated to individuals or entities (e.g., student preceptor, hospital quality assurance or similar committee, liability risk manager) on a confidential need-to-know basis.
- d. Probation resulting from chemical substance abuse without impairment will not be entered into student records unless and until there is a substantiated violation of probation. Communications regarding probationary status will be made only to the person or persons charged with the responsibility for surveillance of the individual under the terms of probation.

The overriding consideration in all cases will be the safety of patients, the individual in question, and others who may be affected by an individual's abuse of chemical substances.

G. CANDIDATES FOR ADMISSION

Candidates for admission as students to any program of the School of Health Professions may be required to provide (among all other items of information) a statement that he or she does or does not abuse chemical substances as defined herein. Further, he or she must indicate any current administrative action or prior convictions pertaining to the use, possession, sale or other distribution of illegal or legally controlled substances; pertaining to or related to the abuse of alcohol or any other chemical substance; and the consequences of any such proceedings.

Failure to provide the above-required information, past legal convictions for activities related to illegal or legally controlled substances, and/or information or evidence that reasonably establishes a pattern of chemical substance abuse will be grounds to deny admission to a program. However, prior legal convictions related to chemical substances will be considered along with all other information pertaining to the individual, and will not produce automatic disqualification for admission. Discovery that false or fraudulent information was provided prior to matriculation will be grounds for dismissal.

V. IMPAIRMENT FROM OTHER CAUSES.

This policy pertains primarily to the subject of chemical substance abuse and impairment that may result there from. It shall be the responsibility of the Dean

to deal with the impairment resulting from other causes in accord with principles contained herein. In so doing, he will seek the advice and guidance of the Committee on Substance Abuse, as he deems necessary or advisable.

VI. POLICIES PERTAINING TO ALCOHOL USE.

The University of Alabama at Birmingham and each of its educational units, including the School of Health Professions, has established policies pertaining to the use and serving of alcoholic beverages. Health Professions students, are expected to behave in accord with these policies. Students who participate in the planning or organization of events which will involve the serving of alcoholic beverages are expected to comply with all applicable institutional policies, as well as with laws and governmental regulations pertaining to the subject, and to be aware of issues of personal liability that may be involved.

VII. ADMINISTRATION AND DUE PROCESS.

- A. The Dean of the University of Alabama at Birmingham School of Health Professions shall appoint one OFFICIAL who will have responsibilities as outlined in this policy document. The OFFICIAL will be appointed for a three year term. An OFFICIAL may be removed or replaced at any time by the Dean. An individual will be subject to reappointment at the end of his or her term.
- B. During the preliminary inquiry following a report of suspected chemical substance abuse and/or impairment, the OFFICIAL need not and normally will not divulge the identity of the person filing the report, unless there is reason to believe that the report was filed frivolously or maliciously.
- C. The designated OFFICIAL shall report directly to the School of Health Professions' Committee on Substance Abuse. That committee shall be an appointed committee in the School of Health Professions consisting of six faculty (three undergraduate and three graduate), two students (one undergraduate and one graduate), and one staff. The Chairperson of the Committee shall be designated by the Dean. Neither the Dean or the Associate/Assistant Deans shall be members of the committee.

This Committee shall review all actions taken by the OFFICIAL.

- D. If grounds exist for adverse action against any individual as a result of violations of the policy outlined in this document, the OFFICIAL shall recommend a course of action to the Committee on Substance Abuse. The individual will be given an opportunity to appear before the Committee and to present evidence responsive to the charge of substance abuse.
- E. The individual may appeal any decision of the Committee to the Dean.

Failure of the individual to file a timely (within 10 working days of the Committee's decision) notice of intent to appeal shall result in the decision of the Committee becoming final and no longer subject to appeal. Following notice of appeal, the Dean will review the case file and may interview the individual if the Dean considers an interview necessary to his/her consideration of the appeal. The Dean's review of the case on appeal should also confirm that the individual was provided timely notice of the allegation (s) of substance abuse and was offered an opportunity to confront the allegation (s). The Dean may interview the OFFICIAL, any member or members of the Committee, or any witness or witnesses before reaching a final decision regarding the appeal. The decision of the Dean will be final. No further appeal will be available within the School of Health Professions.

Approved January 3, 2003 to be effective immediately

Harold P. Jones, Ph.D., Dean