

DRUG DIVERSION POLICY

GOAL

To support the health and safety of its employees, patients, and visitors.

POLICY

Drug diversion (theft) is prohibited. Suspected drug diversion will be investigated and in the event that substantial evidence supports a belief that diversion has occurred, appropriate disciplinary and reporting actions will be taken.

DEFINITIONS

- **Drug:** A substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication. Such a substance as recognized or defined by the United States Food, Drug, and Cosmetic Act.
- **Diversion:** Theft of facility drugs, including use, unauthorized possession or removal from the premises of any amount of drugs, including unused amounts of drugs provided to patients or other drugs that have been discarded.

PROCEDURE

If a drug diversion is suspected, the Director of Nursing or Administrator immediately notifies the Pharmacy Consultant as well as the Corporate Office and provide the relevant information.

During the investigation, the employee(s) suspected of participation in the diversion will be suspended without pay pending the outcome of the investigation.

If, upon completion of the investigation, there is substantial evidence indicating that a drug diversion has occurred:

1. The employee is disciplined up to and including termination. Rehabilitation leave or accommodation will generally not be offered to employees who are determined to have engaged in diversion.
2. A determination will be made if the period of time that the employee was relieved of duty pending investigation is or is not paid or if PTO can be utilized, if hours are available. If the employee is found to have diverted drugs, it is generally the rule that PTO may not be used to fill such time.
3. It is the policy of the facility to make reports to licensing agencies and law enforcement if it is determined that drug diversion has occurred.

If, upon completion of the investigation, the evidence supporting the suspicion of drug diversion is deemed insufficiently "substantial" to support a finding that diversion has occurred:

1. The facts of the investigation will be documented.
2. A record will be made in the employee's personnel file indicating that substantial evidence does not support the allegations or suspicion of diversion.
3. A determination will be made if the period of time that the employee was on suspension pending investigation is or is not paid, or if PTO can be utilized, if hours are available. Such determination will be made on a case-by-case basis and it is possible that an unpaid leave will be deemed a disciplinary measure for violations of policy even if drug diversion cannot be substantiated in the investigation.