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A MEDICAL CENTER 640/118
NURSING SERVICE POLICY NO. 118-221
PALO ALTO, CALIFORNIA

SUBJ: IMPAIRED NURSING SERVICE EMPLOYEES

I. PURPOSE:

To identify those employees who are considered impaired/recovering nursing staff, the mechanisms which are used to support these employees, and who needs to be informed of the employment of impaired/recovering nursing staff.

II. EXPLANATORY REMARKS:

A. Nursing Service shall take all reasonable steps to maintain the optimal professional conduct and practices of its members.

B. Under the handicap provision, it is required to offer rehabilitative assistance as "reasonable accommodation" of the employee's known handicap. The American Disability Act does not include illegal drug dependency as a handicap. Therefore, accommodation for illegal drug use is no longer required.

C. Objectives: The Veterans Affairs Medical Center, Palo Alto and Menlo Park is committed to providing safe and effective health care. There are many health problems which directly or indirectly affect a Nursing employee's job performance. One of these health problems is chemical dependency, (e.g., alcoholism and abuse of legal drugs) which is recognized and accepted as a disease.

Effective nursing employees are crucial to our delivery of quality health care and the preservation of patient and staff safety. The primary objective of this policy is to provide assistance and treatment to nursing employees who are chemically dependent in order to maintain effective performance.

III. POLICY:

A. Chemical Dependency is defined as a disease in which a person's consumption of chemicals definitely and repeatedly interferes with that person's job performance.

B. Persons who suspect that they may have a chemical dependency, even in the early stages, are encouraged to seek diagnosis and to follow through with the treatment that may be prescribed by qualified treatment providers.

C. The confidential nature of all aspects of this policy and related procedures will be strictly preserved.

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D. It will be the responsibility of all management personnel to implement this policy and to follow the procedures which have been designed to ensure that no person will have either job security or promotional opportunities jeopardized by a request for participation in a treatment program.

E. The policy reflects concern about the well being of both nursing employees and patients. It is designed to achieve full recovery and satisfactory job performance, provide safety in patient care and reduce risk to the organization.

F. The decision to request assessment and accept treatment is the personal responsibility and the free choice of the individual.

G. Nursing staff participating in treatment programs will be expected to meet existing job performance standards and established work rules.

H. Nothing in this statement of policy is to be interpreted as constituting a waiver of management's responsibility to maintain discipline or the right to take disciplinary measures.

IV.. IMPLEMENTATION:

Impaired nursing staff members are defined as those who abuse alcohol and/or legal drugs in a manner which may affect the individuals' ability to safely perform the duties of the position to which they are or will be assigned. Impaired persons in nursing service may identify themselves to supervisors prior to hiring or during employment or be identified in the process of discussion of performance/conduct issues with the supervisor.

V. RESPONSIBILITIES:

A. Using Chemical Substances on Medical Center Premises:

Any nursing employee found using any non-prescribed chemical substance on the Medical Center premises will be subject to discipline.

B. Appearing Under the Influence:

These are specific regulations which relate to the use of intoxicants. Employees will not violate the following regulations:

38 Code of Federal Regulations 0.735-20, (E), "4" which states:

1. An employee shall not procure intoxicants or drugs for, or attempt to sell intoxicants or drugs to, patients or members or give or attempt to give intoxicants or drugs to them unless officially prescribed for medicinal use.

38 Code of Federal Regulations 0.735-21 (C) which states:

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1. An employee shall not use intoxicants in such manner that his work performance is adversely effected or his conduct becomes embarrassing to the VA.

2. An employee shall not report for duty under the influence of intoxicants, or become intoxicated or (partake of intoxicants) while on duty. (Dec. 11, 1968).

3. An employee shall not sell or attempt to sell intoxicants on premises occupied by the VA. (April 15, 1966).

VI. PROCEDURE:

A. Nursing employees are encouraged to report any inappropriate behavior to their supervisor i.e.

1. The odor of alcohol is smelled on or about the nursing employees.

2. Nursing employee who exhibits unusual behavior.

B. Corrective Action:

1. The nursing supervisor will meet with the employee in a private setting. He/she will state "It appears you have a problem. I think you should call the Employee Assistance Program." Specific details of performance or conduct changes should be stated to the employee in the counseling session.

The Nursing supervisor should determine whether or not it is acceptable for the employee to remain at work. (This determination should be based on safety, patient-care, and ability to perform job responsibility).

a. If it is appropriate for the nursing employee to remain at work, the supervisor should do the following:

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| the unusual behavior. | (1) Counsel the Nursing employee regarding |
| Program. | (2) Written Referral to Employee Assistance |
| with the Nursing employee. | (3) Restate department performance standards |
| | (4) Document counseling sessions. |

b. If the nursing supervisor determines it is unsafe

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for the employee to remain at work, the following needs to occur:

- Assistance Program.
- (1) Refer employee in writing to Employee
 - (2) Under no circumstances would the nursing employee be allowed to drive. Transportation arrangements include transport by another employee, family, friend, and/or taxi.
 - (3) Document counseling sessions.
 - (4) Employee Relations should be contacted by the nursing supervisor for appropriate disciplinary actions.

C. If performance or conduct problems reoccur the nursing supervisor will contact Employee Relations Department for appropriate action.

VII. REFERENCES:

- (1) American Disabilities Act (1991)
- (2) JCAHO Comprehensive Accreditation Manual , 1995.
- (3) 38 Code of Federal Regulations 0.735-20 and 0.735.21.

VII. RESCISSION: Nursing Service Policy No. 118-221, dated August 1989.

VII. REVIEW DATE: 2nd quarter, FY 1998.

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