



MOUNT CARMEL  
College of Nursing

## Policy and Procedure

**Policy Name:** Drug and Alcohol Policy

**Responsible office:** Administration

**Approved by:** Policy & Procedure Committee

**Issued:** 6/1/2018

**Revisions:** N/A

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### I. Scope

In complying with the federal law, MCCN (“MCCN”) is concerned about the welfare of its students and employees and wishes to demonstrate commitment to a drug and alcohol free environment. A drug and alcohol free environment will also serve to maintain quality services, reduce accidents, and increase productivity.

Unlawful possession, use, production, distribution, or sale of alcohol or other drugs by any faculty, staff, or student is prohibited on college property; or as part of college activities, whether on or off campus; and/or in any way that impacts student or employee performance in the classroom or clinical setting.

The purpose of this policy is to comply with the Drug-Free School and Communities Act Amendments of 1989 (Public Law 101-226), which requires MCCN to show it has adopted and implemented a program to prevent the illicit use of drugs and the abuse of alcohol by faculty, staff, and students, and to set forth the standards to provide a community setting that is safe, healthy, and productive for all faculty, staff, and students of MCCN. MCCN distributes this policy annually throughout the MCCN community. The distribution includes information about standards of conduct, referral and treatment, applicable laws and sanctions, and current assessments of possible health risks.

MCCN recognizes drug and/or alcohol dependency as health problems and it will be of assistance to an individual seeking treatment for such a dependency provided such treatment is sought prior to violations(s) of this policy or other MCCN policies. MCCN offers free and confidential help to students and employees who suffer from alcohol and/or drug abuse. Students have access to MCCN Student Behavioral Health Services, and employees and students have access to Mount Carmel Health System (“MCHS”) Employee Assistance Program. It is the responsibility of the student or employee to seek assistance before alcohol and/or drug problems lead to disciplinary action. Please note that treatment is not a refuge from disciplinary action and that dependency problems not resolved through treatment may ultimately result in disciplinary action, up to and including disciplinary dismissal or termination. In situations involving a threat or danger to the health or safety of any individual,

students and employees are encouraged and expected to seek appropriate medical attention for themselves and others as soon as possible.

## II. Applicable Definitions

**Controlled Substance:** a drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription. The basis for control and regulation is the danger of addiction, abuse, physical and mental harm (including death), the trafficking by illegal means, and the dangers from actions of those who have used the substances.

**Dangerous Drug:** means the following by whatever official, common, usual, chemical or trade name designated: (a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation.

**Drug Free:** prohibition of the possession, use, production, distribution, or sale of alcohol or other drugs by any faculty, staff, or students on college property; or as part of college activities, whether on or off campus; and/or in any way that impacts student or employee performance in the classroom or clinical setting.

**Narcotic:** a drug, such as morphine or heroin, that is derived from opium or an opium like compound, relieves pain, often induces sleep, can alter consciousness, and is potentially addictive.

**Unlawful Possession:** Possession of illegal controlled substances such as, but not limited to marijuana, methamphetamine, cocaine, LSD, "club drugs," and heroin.

## III. Standards of Conduct

Violations or alleged violations of this policy are handled through the Academic and Professional Misconduct Committee process. Please refer to the Academic and Professional Standards Policy and Procedure for complete details about the process. Sanctions for violations of the policy are also governed by the Academic and Professional Standards Policy. Violations of this policy that occur within campus residence halls are subject to the policies contained in the Residence Hall Handbook as well as the Academic and Professional Misconduct Committee process. It is the responsibility of each student to report to class, clinical, or any other MCCN related function in a physical condition that allows for performing their functional abilities as outlined in MCCN's Functional Abilities and Performance Standards Policy.

This policy applies to students and/or employees on MCCN property, MCHS property, while involved in clinical rotations at any affiliating agency, or as part of any MCCN or MCHS sponsored activity. In addition, the use of alcohol and/or drugs in any way that

impacts student or employee performance. Employees who violate this policy will be referred to Human Resources, please see the Human Resources Transitional Work Policy (<http://atmountcarmel.org/sites/default/files/Transitional%20Work.pdf>) for further information. Students are subject to disciplinary actions up to and including disciplinary dismissal, for any of the following (please see section II for applicable definitions of terms used in 1-15 below):

1. Unlawfully possessing, being impaired or under the influence, or using or distributing illicit drugs and/or alcohol.
2. Operating a motor vehicle while under the influence of alcohol or illicit drugs.
3. Possession of drug paraphernalia or synthetic substances that are an analogue for a controlled substance.
4. Misuse of prescribed medications that impair safe and/or efficient performance.
5. Misusing prescription or nonprescription drugs.
6. Falsifying, or making grossly incorrect, inconsistent, or unintelligible entries in any hospital, patient, or other record regarding any drug or narcotic.
7. Being charged or convicted for alcohol and/or drug related offenses.
8. Possessing, selling, consuming alcoholic beverages, or alcoholic beverage containers in any form on MCCN or MCHS premises or MCCN or MCHS related premises, including the campus residence halls.
9. Habitually indulging in the use of controlled substances, other habit-forming drugs, alcohol, or other chemical substances to an extent that impairs ability to practice nursing or perform one's MCCN related responsibilities.
10. Impairment of ability to practice according to acceptable and prevailing standards of safe nursing care because of physical, psychological, or mental disability related to the use of alcohol or other drugs or because of dependency on or excessive use of alcohol or other drugs.
11. Smoking, consuming, using and/or possessing any illegal drug, including marijuana or medical marijuana.
12. Obtaining, prescribing, possessing, or administering any controlled substance, dangerous or illegal drug, or alcoholic beverages in violation of the law, to oneself or to another person.
13. Knowingly making, obtaining, or possessing drug abuse instruments whose customary and primary purpose is for the administration or use of a dangerous or illegal drug.
14. Obtaining any dangerous or illegal drug by attempting or committing a theft.
15. Knowingly or intentionally forging, making, selling, or possessing a false or forged prescription.

#### **IV. Internal Sanctions**

Any student, faculty, or staff member who violates the MCCN's drug-free policy shall be subject to possible disciplinary action. Sanctions on students will be consistent with local, state, and federal law. Internal sanctions related to students may include, but are not limited to disciplinary dismissal from the College of Nursing and referral to the Academic and Professional Standards Committee for violations of the Standards of Conduct. Employees are subject to processes according to the MCHS Human Resources Policy on Transitional Work (<http://atmountcarmel.org/sites/default/files/Transitional%20Work.pdf>).

Students living in the Mount Carmel owned and operated resident apartments are governed by this policy.

#### **V. External Sanctions**

Unlawful possession, use, manufacture, sale, or distribution of alcohol and/or illicit drugs may lead to referral to the appropriate federal, state and/or local authorities for prosecution. Depending on the nature of the offense, it may be categorized as a misdemeanor or a felony and may be punished by fine and/or imprisonment.

Federal law prohibits the trafficking and illegal possession of controlled substances (see 21 United States Code, Sections 811 and 844). Depending on the amount, first offense maximum penalties for trafficking marijuana range from five years imprisonment and a fine of \$250,000 to imprisonment for life and a fine of \$4 million. Depending on the amount, first offense maximum penalties for trafficking class I and II controlled substances (methamphetamine, heroin, cocaine, cocaine base, PCP, LSD, fentanyl analogue) range from five years to life imprisonment and maximum fines range from \$2-\$4 million. First offense penalties for the illegal possession of a controlled substance range from up to one year in prison and a fine of at least \$1,000, but not more than \$250,000, or both.

The State of Ohio and the City of Columbus also may impose penalties for trafficking and illegal possession or use of controlled substances. State and local penalties for trafficking illicit drugs include fines that range from \$1,000 to \$50,000 and mandatory jail sentences that range from six months to 10 years. Illegal use or possession of a controlled substance or drug paraphernalia may warrant fines ranging from \$100 to \$5000 and jail sentences ranging from 30 days to 10 years, depending on the amount and substance possessed. Violations may also lead to forfeiture of personal and real property and the denial of federal benefits such as grants, contracts, and student loans.

The State of Ohio and City of Columbus may also impose a wide variety of penalties for alcohol-related offenses. For example, a first driving-while-intoxicated offense may be punished by mandatory imprisonment of at least three consecutive days and a fine ranging from \$375 to \$1000. Subsequent offenses lead to increased sanctions. Illegal

purchase, possession, use, or sale of intoxicating liquor by a minor may be punished by fines ranging from \$25 to \$1000 and up to six months in jail, depending on the circumstances. For extended and regional campuses, local law will apply in lieu of City of Columbus ordinances. Copies of those laws will be supplied upon request.

## **VI. Referral and Treatment**

MCCN uses the SMART Recovery® program to assist individuals who may have a drug and/or alcohol dependency.

SMART Recovery® is an abstinence-based, not-for-profit organization with a sensible self-help program for people having problems with drinking and drug use. It includes many ideas and techniques to help people change their lives from one that is self-destructive and unhappy to one that is constructive and satisfying. SMART Recovery® teaches common sense self-help procedures designed to empower people to abstain and to develop a more positive lifestyle. To this end, SMART Recovery® uses a cognitive-behavioral psychotherapy approach called REBT which stands for Rational Emotive Behavior Therapy. Psychologist Albert Ellis devised this approach in the '50s. It's effectiveness and evidenced-based backing is widely accepted. According to REBT, your thinking creates your feelings and leads you to act. By managing the beliefs and emotions that lead people to drink and use drugs, the individual can empower themselves to quit. SMART Recovery® focuses on present-day events and the causes of self-destructive behaviors. The program concentrates on what to do about those events/causes in order to achieve a positive lifestyle change, especially in the areas of people's lives related to drinking and/or drug use.

For more information regarding SMART Recovery® as well as additional online resources: <https://www.smartrecovery.org>

To ensure the most effective implementation of the SMART Recovery® program, the College supports the following concepts:

1. Alcohol and/or other drug dependence is a disease that can be successfully treated.
2. Specific steps will be taken to refer individuals at risk for alcohol and other drug problems to an appropriate resource for assessment and treatment. These resources include but are not limited to:
  - a) MCCN Student Behavioral Health Services
  - b) MCHS Employee Assistance Program
  - c) Local/Community drug & alcohol agencies
3. Participation in treatment does not eliminate the possibility of appropriate disciplinary action. Likewise, dependency problems not resolved through treatment may ultimately result in appropriate disciplinary action.
4. Specific steps for referral and treatment include:
  - a) Referral to one or more of the above listed resources

- b) Completion of a full diagnostic assessment by a trained substance abuse counselor including their findings and treatment recommendation
- c) Completion of all of the following SMART Recovery® tools and a review with the Student Behavioral Health Counselor during at least one session:
  - ABC WORKSHEET
  - CBA WORKSHEET
  - CHANGE PLAN WORKSHEET
  - HOV WORKSHEET
- d) Completion of a letter signed by a trained substance abuse counselor confirming the individual's successful fulfillment of the above outlined steps in addition to a release from treatment statement.
- e) All completed documents will be provided to the appropriate Associate/Assistant Dean and the Student Health Nurse.

## **VII. Parental Notification Guidelines for Alcohol and Controlled Substance Violations**

These guidelines were developed in response to the Higher Education Amendments of 1998. These amendments created an exception to the Family Educational Rights and Privacy Act (FERPA), thus enabling universities to notify parents or legal guardians, under certain circumstances, of a student's use and/or possession of alcohol or a controlled substance when the student is under the age of 21. This change supports the practice of MCCN to establish a collaborative partnership with parents and actively involve them, when appropriate, in addressing student behavior as it relates to alcohol and/or drugs.

Parents are notified when MCCN believes it will help the student. When practicable, conversations normally are held with the student before contact is made with parents, in an effort to determine whether such contact is the best course of action. There are particular situations when parental notification occurs following a violation of certain residence hall rules as stated above. Notification to parents will occur in the following situations: possession of alcohol and/or drugs on campus.

In other situations, MCCN contacts parents in an effort to provide support for students' physical health and safety, academic success, and personal development. Factors that are considered when deciding to contact parents may include, but are not limited to:

- a situation in which a student has received medical attention;
- the occurrence of an arrest and consequent criminal charges;
- a major disruption to MCCN's educational mission;
- substantial harm caused to other students; or
- significant property damage.

Contacts are made, if possible, by a personal appointment with parents or by phone. Written communication is used only when other attempts to contact parents have failed. The goal is to develop a partnership between the college and the parents for the good of the student.

Parental contacts in these circumstances are not considered “disciplinary sanctions” but rather as positive engagement of the broadest possible resources to help students succeed in their educational endeavors. Parents are encouraged to discuss the situations with their sons or daughters.

Questions or concerns regarding these guidelines should be directed to the Director of Compliance, MCCN, 127 S. Davis Ave., Columbus, Ohio 43222 or [compliance@mccn.edu](mailto:compliance@mccn.edu).

**VIII. Policy Related to Drug Convictions**

Any student enrolled in a nursing program at MCCN who is convicted for the possession and/or sale of drugs while a student will be referred to the Academic and Professional Misconduct Committee and may face disciplinary dismissal.

**IX. Federal Financial Aid Policy Related to Drug Convictions**

The Department of Education requires that MCCN notify all enrolling students of the policy related to federal student aid Higher Education Act HEA section 485(k).

A federal or state drug conviction can disqualify a student for financial aid. Convictions count against a student if the conviction occurs while the student is enrolled at MCCN and receiving federal student aid. A student who is denied federal benefits as part of court sanctions imposed by federal or state judge for drug trafficking is also ineligible for federal financial aid. A conviction that was reversed, or removed from a student’s criminal record or occurred while the student was a juvenile (unless tried as an adult) does not deny eligibility.

*Period of Ineligibility for Federal Student Aid*

	<b>Possession of Illegal Drugs</b>	<b>Sale of Illegal Drugs</b>
First Offense	One year from date of conviction	Two years from date of conviction
Second Offense	Two years from date of conviction	Indefinite period
Third Offense	Indefinite Period	Indefinite period

If the student is convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the longer period of time applies. Eligibility returns the day after the period of ineligibility ends or with successful completion of a

qualified drug rehabilitation program (described below) or two negative unannounced drug tests given by the program. Subsequent drug convictions lead to ineligibility again.

Students denied eligibility for an indefinite period can regain it with successful completion of a rehabilitation program, passing two unannounced drug tests from such a program, or with reversal or removal of the conviction provided that fewer than two convictions for sale or three convictions for possession remain on the record. The nature and dates of remaining convictions determines when a student regains eligibility.

### Standards for a Qualified Drug Rehabilitation Program

The program must require a minimum of two unannounced drug tests and meet one of the following requirements:

1. Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
2. Be qualified to receive payment directly or indirectly from a federal or state licensed insurance company.
3. Be administered or recognized by a federal, state, or local government agency or court.
4. Be administered or recognized by a federal or state licensed hospital, health clinic, or medical doctor.

## **X. Possible Health Risks Associated with Drug and/or Alcohol Use/Abuse**

Substance abuse dependence may result in a wide spectrum of extremely serious health and behavioral problems. Substance abuse results in both short-term and long-term effects upon the body and mind. The abuse of drugs and/or alcohol is proven to impair the coordination, reaction time, emotional stability and judgment of the user. This could have tragic consequences where demanding or stressful situations call for quick and sound decisions. Serious injury or fatality of the drug abuser, other employees or our students could result from the actions (or lack thereof) of an employee or student under the influence of drugs and/or alcohol. In addition, the risk of many harmful health conditions associated with the use and abuse of alcohol and/or drugs are significant and include but are not limited to: depression, anxiety, neurological impairment, kidney failure, cirrhosis of the liver, bronchitis, respiratory and cardiac failure, and death.

For more information on the health risks associated with the use and abuse of alcohol and/or drugs visit the National Institute on Drug Abuse website, [www.drugabuse.gov](http://www.drugabuse.gov) or Campus Drug Prevention at <https://www.campusdrugprevention.gov/>

## **XI. Alcohol & Drug Abuse Prevention Strategies**

MCCN uses the following strategies to provide a positive influence on the campus culture regarding alcohol and drug abuse:



- Students, employees, and campus guests are expected to refrain from the possession, consumption, and/or transportation of alcoholic beverages or drugs on campus
- Providing education and awareness activities
- All student social, extracurricular, and public service options are substance-free
- Prohibiting the marketing and promotion of alcohol and/or drugs
- Developing and enforcing campus policies and state/local laws to address high-risk and illegal alcohol and/or drug use
- Providing early intervention and referral for treatment
- Notification to all employees and students at the time of hire/admission and annually thereafter through handbooks and other informational means.
- Maintaining data on the number of reported cases of alcohol and/or drug-related violations to assist in determining the effectiveness of programs and activities
- Maintaining data on the number and type of sanctions imposed due to alcohol and/or drug-related violations as well as follow up outcomes (i.e. referral, successful treatment, disciplinary dismissal, etc.)
- Maintaining data on the number of incidents that required the use of overdose-reversing medication

## **XII. Substance Abuse Testing**

All students enrolled at MCCN are tested for drug and alcohol use and subject to random drug and alcohol use screenings. This is a mandatory requirement. The nominal fee for this testing is the student's responsibility. If a student has additional testing, the additional fee will be charged to the student's MCCN account. If a person's behavior, cognitive, or psychological functioning is disruptive or altered, the person may be requested to submit to drug/alcohol screening for cause. Refusal to comply is deemed a positive test result and will result in the student being required to follow the outlined procedures in section XIII, "Description of Drug and Alcohol Protocol" of this policy.

## **XIII. Drug and Alcohol Screening Procedure**

*Pre-clinical and random drug testing:* Students are notified via the Student Health Nurse that an initial drug and alcohol screening must be performed. The drug and alcohol screen is ordered through the Student's CastleBranch Account. The testing fee is the student's responsibility. All results will be posted to the student's CastleBranch account. An initial drug and alcohol screening result that indicates dilution of the sample, requires a repeat urine drug and alcohol screen *and repeat payment*. Refusal to participate or drug and alcohol testing not completed within the stated deadline, is considered a positive result and appropriate next steps, per this policy, will be followed.

*Drug and Alcohol Screening for Reasonable Suspicion:* If there is a reason to believe a student or employee is impaired, or if an individual's behavior, cognitive, or psychological functioning is disruptive or altered, a for cause drug screening will be

performed.

1. If the student requires immediate medical assistance, the student will be transported to Emergency Department for treatment and stabilization.
2. If emergency care is not needed, the student is to be removed from the clinical or class setting.
3. For students, the MCCN employee who is overseeing the student is to complete the following:
  - a. Document observations that have led to suspicion of impairment, and
  - b. Conduct two independent observations using the attached Observation Checklist, and
  - c. Prepare written documentation of the student's behavior, cognitive, or psychological functioning.
4. If the above observations indicate signs of impairment, the MCCN employee who documented the student's behavior is to contact the appropriate Associate/Assistant Dean and the Student Health Nurse. Upon review, if warranted, a decision to drug test will be made.
5. The MCCN Student Health Nurse will contact our third party testing service to coordinate the drug/alcohol screening, and arrange the location and time to meet the screener.
6. The policy and drug screening procedure will be explained to the student at an arranged meeting with the Student Health Nurse.
7. The student will be supervised at all times and escorted to the designated testing location.
8. If the student refuses to be drug screened, the test is deemed a positive test result.
9. If needed, the Student Health Nurse will notify Safety and Security.
10. Upon completion of the test, the student may be contacted by the Medical Review Officer through our third party testing service who will discuss the test results with the student and then report results to MCCN.
11. The Student is not to participate in any clinical setting during this time frame.
12. Students will be notified of results by the Student Health Nurse, who will also notify the appropriate Associate/Assistant Dean, and any appropriate follow up actions will be taken as outlined in other sections of this policy.

#### **XIV. Description of Drug and Alcohol Protocol**

If a student tests positive for non-prescribed controlled or illegal substances and/or alcohol, the student will meet with the appropriate Associate/Assistant Dean, and the following procedures will be enforced:

1. For the first occurrence of a positive screening, the student will be required to meet with the appropriate Associate/Assistant Dean and via administrative hearing will be placed on disciplinary probation for at least one academic year. The student may appeal this administrative decision to the Academic Dean following the "Appeal Process" outlined in this policy. The student will also be referred to the Student Behavioral Health

- Counselor and required to comply with the assigned treatment plan.
2. Upon first positive screening, or a second positive screening that does not result in an outcome of disciplinary dismissal from MCCN, immediate referral will be made to either the MCCN Student Behavioral Health Services or Mount Carmel Health System Employee Assistance Program for mandatory assessment, follow up treatment procedures, and/or possible referral to a trained substance abuse counselor/treatment agency at the individual's expense.
  3. The student will not participate in any clinical experience until the assessment and any follow up treatment procedures have been completed, and a decision has been made by a trained substance abuse counselor that the student is safe to participate in clinical experiences.
  4. Permission may be granted by the student for the counselor to notify the appropriate Associate/Assistant Dean of the recommended treatment plan and recommendation regarding safe return to patient care activities. The appropriate Associate/Assistant Dean may also be given permission to verify the student's continued compliance with the treatment plan. If the student does not grant permission, the counselor will still be required and allowed to provide an assessment outcome letter stating whether or not the student is safe to return to the patient care setting. In this circumstance, the College can provide a form letter template to the student/counselor/care provider for completion.
  5. If the counselor does not grant permission for the student to return to the patient care setting then the student will be referred to the Academic and Professional Misconduct Committee, with a recommendation of disciplinary dismissal and the inclusion of documentation from the counselor that the student is not safe to return to the patient care setting. During the pendency of this process, the student will not be permitted to return to the clinical setting.
  6. The student will agree to random urine screens (at least annually), at the student's expense, as dictated by MCCN. A second positive test will result in a recommendation of disciplinary dismissal and referral to the Academic and Professional Misconduct Committee.
  7. MCCN has the right to remove the student from patient care settings if the determination is made that patient safety would be compromised.
  8. If a student refuses assistance or fails to successfully complete the recommended rehabilitation program, the student will face a recommendation of disciplinary dismissal and referral to the Academic and Professional Misconduct Committee.
  9. A second positive test (regardless of the time period between first positive and second positive) will result in a referral to the Academic and Professional Misconduct Committee with a recommendation of disciplinary dismissal.
    - a. The student will be administratively withdrawn from all clinical courses. The student will be able to resume lecture courses, during

the pendency of their academic and professional misconduct committee hearing, unless:

- b. If upon assessment by the Student Behavioral Health Counselor, it is determined that the student is a risk to self or others. In this circumstance, the student will be placed on summary suspension, per the Academic and Professional Standards Policy, until the outcome of their academic and professional misconduct committee hearing.
  - c. If, through the Academic and Professional Misconduct committee hearing process, the student is allowed to resume academic progression at MCCN, they will be required to go through the steps 1-7 of this section before their return to the clinical setting.
10. If the final recommendation for the student is disciplinary dismissal, an attempt will be made for that decision to be provided to the student via an in person meeting with either the appropriate Associate/Assistant Dean, or the Academic Dean (if based on an appeal). If the student does not respond to attempts to schedule an in person meeting, the student will be provided with an outcome letter via email and certified mail. The in person meeting is an attempt to provide outgoing resources and guidance to the students to aid in their future success.
11. If the student lives in the on campus residence halls, the Director of Student Life will be notified upon the students' receipt of a disciplinary dismissal outcome, and appropriate residence life policies with regards to the students living situation will be followed. Please consult the Residence Life Handbook for these policies.

#### **XV. Confidentiality of Screen Results**

Drug and/or alcohol screen results are kept in strict confidence. Results of screenings may be released to the Academic Dean and/or appropriate Associate Dean. Results may also be shared with the providers facilitating treatment of the student, including the MCCN Student Behavioral Health Counselor.

#### **XVI. Failure to Participate**

Any student, who refuses to be screened for non-prescribed controlled or illegal substance and/or alcohol, on initial or follow up tests, will be considered to have tested positive and will be required to follow the substance abuse procedure.

#### **XVII. Frequency of Testing**

All students will be tested for use of illicit drugs and/or alcohol use prior to clinical experiences with patients. MCCN reserves the right to conduct random drug screens of students.