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Evaluation of the Suspected Impaired Employee

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Disclosures

- I have no disclosures or financial disclosures

Objectives

- The audience will learn how to assess the employee for impairment related to substance use/abuse
- The audience will learn how to assess the employee for impairment related to functional impairment
- The audience will learn how to assess the employee for impairment related to mental health impairment

Impairment: Substance Use/Abuse- Background

- Substance use negatively affects the U.S. workforce through lost productivity, workplace accidents and injuries, employee absenteeism, low morale, and increased illness
- Research by SAMSHA indicates that the prevalence of substance use and substance use disorders is not consistent across industries. For example, the lowest rates of heavy alcohol use, illicit drug use, and substance use disorder were generally seen in education, health care and social assistance, and public administration. In contrast, higher rates were generally seen in mining, construction, and accommodations and food services industries.

<https://www.samhsa.gov/data/>

Impairment: Substance Use/Abuse- Background cont.

- The 1988 *Drug Free Workplace Act* was enacted requiring institutions that receive federal funding certifies provision of a drug free workplace.
- It is recommended that employers that must abide by the *Drug Free Workplace Act* have a written *Substance Abuse Policy*. As a major component of the policy drug and alcohol testing may be conducted with the employee's consent and for reasonable cause. It is vital in conducting a fitness for duty assessment that all policy features be followed to ensure appropriate process and to avoid an employee challenge of any testing conducted later on as either a violation of privacy or as an inappropriately conducted test.

The United States Department of Labor. (2012). Drug-free workplace advisor. Accessed April 10, 2017 from <http://www.dol.gov/elaws/drugfree.htm>

Impairment- Substance Use/Abuse

Role of Occupational Health

- The role of the Occupational Health provider:
 - Development of a protocol or standard operating procedure that is consistent with the employer's Substance Abuse Policy
 - This includes:
 - » Observed checklist for documentation of physical presentation and behaviors
 - » Drug and alcohol testing to determine if the employee has a substance abuse issue that is the cause for his/her change in function or work capacity
 - » Referral for an employee determined to be abusing drugs and/or alcohol for further assessment and treatment, as appropriate and necessary
 - » Determine whether an employee is able to perform his/her job functions and what, if any, accommodations are necessary for him/her to perform the essential functions of his/her job.
 - » Monitor an employee returning to work from a confirmed fitness for duty situation related to substance abuse and per any signed return to work agreement.
 - » Comply with the *Drug Free Workplace Act*.

Case Discussion- Impairment due to Substance Use

- 40 year old, female RN on inpatient unit at acute care hospital
- Evaluation
- Reporting of test results
- Referral/Treatment
- Impact to professional license
- Return to work implications

Impairment- Physical impairment- Background

- Referring an employee for a physical fitness for duty assessment is indicated whenever there is an objective and reasonable basis for believing that the employee may be unable to safely or effectively perform his or her duties due to physical factors. An objective basis is one that is not merely speculative but derives from direct observation, credible third-party report, or other reliable evidence.
- Musculoskeletal disorders are the leading cause of leading to physical impairment in the workplace
- Aging population in the workforce may have physical impairments leading to need for evaluation

Impairment- Physical impairment

Role of Occupational Health

- The role of the Occupational Health provider:
 - Development of a protocol or standard operating procedure
 - This includes:
 - » A general description of the fitness concern including who noted the concern(s) and the chronological order of the concern(s)
 - » Any noted changes in physical function as related to performance including:
 - » Changes in functional ability such as but not limited to walking, standing, and lifting
 - » Progression of changes, if any
 - » Specific events or incidents
 - » Whether the changes in performance have been documented and addressed with the employee prior to the fitness for duty concern
 - » Job title, assigned job tasks, description of work area(s), essential job functions and those functions specifically affected by the fitness concern
 - » Any past or current referrals to the EAP related to the fitness concern

Physical Impairment- Implications

- The Occupational Health provider will upon review of the physical impairment assessment and any other related information submitted will make the following determination:
 - Whether the employee is considered fit or unfit for duty
 - If the employee is unfit for duty whether he/she may be fit for duty after treatment and the possible timeframe to reasonably expect this improvement
 - If the employee is fit for duty whether he/she has any restrictions and if so whether these restrictions are temporary or permanent in nature.
 - If these conditions are temporary in nature the anticipated time period for these restrictions
 - Whether the functional limitation is a qualified disability under the *ADA*

<https://www.eeoc.gov/laws/types/disability.cfm>

Job Accommodation Network <http://askjan.org/links/atoz.htm>

Case Discussion- Impairment due to Physical impairment

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Impairment: Mental Health- Background

- The National Alliance on Mental Illness (NAMI) (n.d.a) defines a mental health impairment as: a medical condition that disrupt a person's thinking, feeling, mood, ability to relate to others, and daily functioning. Just as diabetes is a disorder of the pancreas, mental illnesses are medical conditions that often result in a diminished capacity for coping with the ordinary demands of life.
- Approximately 61.5 million Americans, one in four adults, experience a mental health impairment in a given year (National Alliance on Mental Illness, 2013). One in seventeen individuals lives with a serious mental health impairment, such as schizophrenia, major depression, or bipolar disorder (National Institute of Mental Health, 2013)

1) <https://askjan.org/media/Psychiatric.html>

Impairment- Mental Health Role of Occupational Health

- The role of the Occupational Health provider:
 - Development of a protocol or standard operating procedure that is consistent with them employer’s Substance Abuse Policy
 - This includes:
 - » Advise Human Resources staff and supervisors as to the purpose of a mental health evaluation and the limitations of such an evaluation in determining performance issues.
 - » Determine whether a clinical assessment is necessary to determine whether an employee is unsafe to self or others.
 - » Refer an employee determined to have a mental health condition for further assessment and treatment, as appropriate and necessary.
 - » Determine whether an employee is able to perform his/her job functions and what, if any, accommodations are necessary for him/her to perform the essential functions of his/her job.
 - » Monitor an employee, as appropriate and necessary, returning to work from a confirmed fitness for duty situation related to a mental health condition.

Mental Health Impairment- Implications

- Often mental health conditions will be associated with substance abuse. If there is concern regarding substance abuse in addition to possible mental health issues the Occupational Health provider should refer to the *OHS* determine if drug and alcohol testing should be obtained as part of the evaluation.
- Any employee with an **acute, major change** in their usual behavior and/or function such that the employee appears to be a **risk to the safety to self or others should** have facilitated evaluation in an Emergency Department or by a provider who has the capability of holding the employee for an emergent psychiatric evaluation.
- It is possible that the employers security and community police may be involved, depending on how the employee presented and the concern for public/private safety.

Case Discussion- Impairment due to Mental Health

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- <https://askjan.org/media/Psychiatric.html>