APPENDIX F

SUBSTANCE FREE POLICY

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SUBSTANCE FREE POLICY

PURPOSE

DCRSA desires to create an environment that protects the public health and safety of DCRSA customers and staff as it relates to substance use. The purpose of this policy is to assure DCRSA customers with disabilities have available vocational rehabilitation services to assist them in becoming employed without the risk of being affected by others utilizing drugs, alcohol or other substances. The potential for violence in the school or workplace is very real. This is exacerbated by the prevalence of illegal substances among our customers. It is our obligation to employees and other customers that the DCRSA experience is provided in the safest and most positive settings possible.

SCOPE

This policy is applicable to all customers seeking, applying for or receiving assistance from DCRSA.

POLICY

Unlawful manufacturing, distributing, dispensing, possession of, or the use of a controlled substance, illegal use of substances (drugs, alcohol, inhalants and steroids) while on any statewide agency premises or actively participating in a DCRSA program is prohibited. Any DCRSA customer violating this policy will be subject to disciplinary action.

The specifics of this policy are:

Transfer, sale, manufacture or use of a controlled substance, illegal use of substances and/or alcohol to minors by a DCRSA customer can be grounds for disciplinary action.

Use of prescription drugs other than prescribed by a licensed health care professional and abuse of prescribed drugs other than the prescribed amount are not permitted.

Abuse of other substances, such as abuse of inhalants and steroids is not permitted.

The use of alcohol is not permitted on state premises or during the delivery of services away from state premises.

DCRSA CUSTOMER RESPONSIBILITY

- DCRSA customers seeking, applying for or receiving vocational rehabilitation services or pre-employment related services may receive a request from DCRSA to submit to a drug test, alcohol test or reasonable-suspicion testing.

- DCRSA customers refusing to submit to testing may be subject to termination from the VR program.

- DCRSA customers with alcohol breath test confirmation of a breath alcohol, which, by law, constitutes intoxication, may be subject to termination from the VR program.

- DCRSA customers are required to inform the agency within five (5) days after a conviction related to substance use, where the violation occurred on the statewide agency premises or while in a program being funded by DCRSA. A conviction means a pleading or finding of guilt (including a plea of nolo contendere) or a sentence by a court of competent jurisdiction.

- DCRSA customers may be required, as part of resuming services under their Individual Plan of Employment, to successfully finish a substance abuse rehabilitation program sponsored by an approved private or governmental institution or 12-Step Recovery Program. DCRSA may, with agreement between the customer and counselor, provide assistance with such a program.

- DCRSA customers entering a training/internship/apprenticeship or employment related program, requiring drug or alcohol screening as part of the process that do not pass the screening are subject to termination from the VR program.

- DCRSA customers who are high school students fall under both their school policies and this policy while actively participating in a DCRSA program.

SCREENINGS

DCRSA designated staff will be required to assure these tests are performed by a certified laboratory and reviewed by an official health professional for interpretation. DCRSA will provide payment for the required testing procedures under the arrangement of the counselor.

TYPES OF TESTS

- Drug Test(s) includes urine and/or blood specimen*

- Alcohol Test(s) includes breath analysis, urine and/or blood specimen*

- Confirmation Test

- Reasonable –suspicion testing

*Specimens will be collected in conformance with Hospital Licensing Regulations.

DISCIPLINARY ACTIONS WHICH MAY BE IMPOSED FOR SUBSTANCE ABUSE AND/OR INTOXICATION

A DCRSA customer who violates this policy may be subjected to the following actions:

- A behavioral contract
- Referral for substance abuse counseling
- Referral to a substance abuse rehabilitation program
- Referral to a 12-Step Program of Recovery
- Suspension or termination of services, in accordance with 29 USC § 705 Sec. 102 (c) (7) Impact on Provision of Services

DCRSA REHABILITATION SERVICES
SUBSTANCE FREE POLICY

As a customer of the District of Columbia Rehabilitation Services Administration (DCRSA), I hereby certify, from my signature below, that I have received a copy of the agency's policy regarding the Substance Free Policy. (This has been provided in the appropriate format.) I understand that unlawful manufacturing, distributing, dispensing, possession of, or the use of a controlled substance, illegal use of substances while on any statewide agency premises or actively participating in a DCRSA program is prohibited. I understand a violation of this policy will subject me to disciplinary action.

The policy has been explained to me clearly. I understand my responsibilities, and I agree to abide by the terms of this policy. I confirm that my guardian(s) or I have been provided a copy of the Substance Free Policy.

Customer's Signature: _____

Parent/Guardian _____

Customer's Printed Name _____

SSN: _____

Date: _____

SUBSTANCE FREE POLICY DEFINITIONS

DCRSA refers to the District of Columbia Rehabilitation Services.

Customers refers to DCRSA customers with disabilities, which include referrals, applicants and those receiving VR services.

Drug and illegal use of drugs as described by the Rehabilitation Act as amended:

(A) **Drug** --The term "**drug**" means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812.

(B) **Illegal use of drugs** --The term **"illegal use of drugs"** means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law. (29 USC 705 Section 6 (10)).

Right and advocacy provisions as described by the Rehabilitation Act as amended:

(I) In general, exclusion of individuals engaging in drug use For purposes of Title V of this chapter, the term **individual with a disability** does not include an individual who is currently engaging in the illegal use of drugs, when a covered entity acts on the basis of such use.

(II) Exception for individuals no longer engaging in drug use Nothing in clause (i) shall be construed to exclude as an individual with a disability an individual who--

(I) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(II) is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(III) is erroneously regarded as engaging in such use, but is not engaging in such use; except that it shall not be a violation of this Act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in sub-clause (I) or (II) is no longer engaging in the illegal use of drugs.

EXCLUSION FOR CERTAIN SERVICES

Notwithstanding clause (I), for purposes of programs and activities providing health services and services provided under titles I, II, and III, an individual shall not be excluded from the benefits of such programs or activities on the basis of his or her current illegal use of drugs if he or she is otherwise entitled to such services.

Disciplinary action. For purposes of programs and activities providing educational services, local educational agencies may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student who is an individual with a disability and who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities Furthermore, the due process procedures in section 104.36 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling) shall not apply to such disciplinary actions.

Employment; exclusion of alcoholics. For purposes of Sections 503 and 504 as such sections relate to employment, the term individual with a disability does not include any individual who is an alcoholic whose current use of alcohol prevents such individual from the duties of the job in question or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. (29 USC § 705 Sec. 6 (20) (C))

Drug Test means any chemical, biological or physical instrument analysis administered by a laboratory authorized to do so pursuant to this policy for the purpose of determining the presence or absence of a drug or its metabolites pursuant to regulations governing drug testing adopted by the Department of Transportation or such other recognized authority approved by rule by the Commissioner.

Alcohol Test means an analysis of breath, urine or blood or any other analysis, which determines level or absence of alcohol as authorized by the Department of Transportation in it rules and guidelines concerning alcohol and drug testing. A breath test will consist of using an Evidential Breath Test Device approved by the National Highway Traffic Safety (NHTSA) for evidential testing of breath of alcohol content. (49 C.F.R. 40 Part 40.3)

Confirmation Test - In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite. This test is independent of the previous screening test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. (49 C.F.R. 40 Part 40.3)

Prescribed medication means medication prescribed by licensed health care professional.

Reasonable-suspicion testing means drugs, alcohol or other substance testing. This testing is based on a belief that a DCRSA customer is using or has used drugs, alcohol or other substances in violation of the covered policy drawn from specific, objective, well articulated facts, and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

Observable phenomena while on DCRSA premises such as observation of drug, alcohol or other substance use or of the physical symptoms or manifestation of being intoxicated as defined in ACA 5-2-207.

Abnormal conduct or erratic behavior while on DCRSA premises or a significant deterioration in performance as it relates to DCRSA services or causes a critical incident;

A report of drug, alcohol or other substance use provided by a reliable and credible source;

Evidence that a DCRSA customer tampered with a drug test, alcohol test or other substance test;

Information that the DCRSA customer has used, possessed, sold, solicited, or transferred drugs, alcohol or other substances while being on DCRSA premises.

Specimen means tissue, fluid, or a human product of the human body capable of revealing the presence of substance used or their metabolite levels.

Substance Abuse Rehabilitation Program means a service provider that provides confidential, timely and expert identification, assessment, and resolution to the DCRSA customer's substance abuse. This program will be an approved private or governmental institution for the treatment of substance abuse.

Other Designated Staff refers to DCRSA staff approved by the Deputy Director, who is responsible to assure a Substance Free DCRSA environment. These staff will be responsible for maintaining control and accountability from the initial collection of information to the final disposition of the situation. Also, accountable for each stage of handling, testing and storing specimens and reporting test results.

Other Substances means inhalants and steroids:

Inhalants means a product that may be a legal, commonly available product; and has a useful purpose but can be abused, such as spray paint, glue, gasoline, correction fluid, furniture polish, a felt tip marker, pressurized whipped cream, an air freshener, butane, or cooking spray.

Legal Steroids, which may be misused, are:

Anabolic steroid is the familiar name for synthetic substances related to the male sex hormones (androgens). They promote the growth of skeletal muscle (anabolic effects) and the development of male sexual characteristics (androgenic effects), and also have some other effects.

Steroid Supplements, such as dehydroepiandrosterone (DHEA) and androstenedione (street name Andro) can be purchased legally without a prescription through many commercial sources including health food stores. They are often referred to as dietary supplements, although they are not food products.