Is Substance Abuse Adversely Affecting your Business? Communicating the Positives of a Drug Free Workplace Program

Presenters:
Lance Wheaton and John Mabry
Addiction Campuses Mission

“With a heart of compassion, we bring hope and freedom from addiction and foster mental health wellness for all clients we serve.”
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Dave Ramsey uses the DISC assessment & extensive interview process to keep “crazy” at bay.

Interviewing 2010: 60-90 days and 7 interviews

“When ‘crazy’ comes into the building, we try to find out which door they used,” he said.

Interviewing today: 60-90 days and 9 interviews
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Tennessee is the **SECOND** most over-prescribed state in the nation

The Tennessean reported that in 2015, **more than 7.8 million opioid prescriptions**—

1.18 for every person

Source: The Tennessean

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1,451 TENNESSEANS DIED FROM DRUG OVERDOSES IN 2015

Deadly Epidemic of Substance Use Disorders Continues to Grow

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History of Heroin and the Epidemic

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History of Heroin and the Epidemic

1990’s and early 2000’s - Pain management with prescription opioids became big business

About 75% of new heroin users first became hooked on prescription drugs like oxycontin, percocet, hydrocodone
Opioid Prescription Rates by County—TN, 2007

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Opioid Prescription Rates by County—
TN, 2008

Prescription Rate per 100 Population
- <105
- 105 - 121
- 122 - 140
- >= 141

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Opioid Prescription Rates by County—
TN, 2009

Prescription Rate per 100 Population

- <105
- 106 - 121
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Opioid Prescription Rates by County—
TN, 2011

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Do You Have a Drug Free Policy?

If so, it likely has three basic objectives:

- To promote a drug-free workplace,
- To discourage the use of alcohol and drugs in the workplace, and
- To penalize employees who choose to engage in alcohol and drug abuse.
How **BIG** is substance abuse in the Workplace?

“Approximately 75 percent of adult illicit drug users are **employed**, as are most binge and heavy alcohol users. This means that in nearly every **workplace**, there is a chance that there is at least one **employee** who has a substance abuse problem.”

Source: Alcoholrehab.com
Did You Know... 

The Costs to Employers for Employee Substance Abuse in the Workplace

- 38-50% of all Workers’ Compensation claims are related to workplace substance abuse.
- Substance abusers incur medical costs 3 times higher than non-abusers.
- The impact on American businesses totals more than $100 billion each year.
Did You Know... 

- It costs employers on average $7,000 in direct and indirect costs to replace an employee.
- Substance abusers are more than twice as likely to miss 8 or more workdays a year.
- Substance abusers are 1/3 less productive than other employees.
- 40% of industrial fatalities are linked to substance abuse.

US Dept. of Labor, The Small Business Administration
& The Office of National Drug Control Policy; Rehab.org; Alcoholrehab.com
Did You Know... 

...that most employees who fail post-accident drug tests do not automatically lose their rights to workers’ compensation benefits?

- Even if it violates your policy
- Even if you fire them
Drug Free Policies

If an employer **is not** a member of the Tennessee Drug Free Workplace Program, injured workers are:

- **entitled to benefits** if injured at work, even if they have drugs/alcohol in their system...
- **Until the employer proves** that the drugs/alcohol are the proximate cause of the injury
TN Drug Free Workplace Program

To flip this burden of proof, join the Tennessee Drug Free Workplace Program.
TN Drug Free Workplace Program

If an employer is a current member of the Program:

• They can deny benefits until the injured worker proves that they would have gotten injured regardless of the drugs/alcohol
The Solution- TN Drug-Free Workplace Program

It is good for employees:

- Fewer drugs in the workplace will result in a safer worksite

- Employees who feel safe at work are more productive.

- Employees will appreciate your concern for them, resulting in better morale
The Solution-TN Drug Free Workplace Program

This program offers employers several significant benefits, among them:

- **A shift in the burden of proof** in workers’ compensation claims involving a positive alcohol or drug test,
- **Discounted** workers’ compensation insurance premiums (by 5%), and
- **Disciplining/discharging or refusing to hire** someone who was found to be in violation of the drug-free workplace program will be considered **for cause**
Do You Have a Drug Free Policy?

- Does it include post-accident drug testing?
- Did you know that OSHA has a new rule that forbids post-accident drug testing in many circumstances?
  - It can have a chilling effect on injury reporting.
Mandatory Post-accident testing...

...is required by employers participating in the DFWP.

OSHA rules regarding post accident drug testing do not apply since the WC Act recognizes the program and the program requires the testing.
Required Aspects

- **Substance Abuse Recognition Training Programs** for supervisors
- **Substance Abuse Education/Awareness Programs** for employees
- **Drug and Alcohol Testing Programs**

House Bill 2416 Effective Date July 1, 2016
Points to Remember

Types of testing required:

- Pre-employment
- Reasonable Suspicion
- Routine Fitness for Duty
- Follow-Up
- Post-Accident

Random Drug Testing is not required at this time.
Points to Remember

Certified Lab (SAMSHA/CAP-FUDTAP)

• **ALL testing and collection procedures** must be done in accordance with U. S. DOT guidelines.
• Amphetamines, Marijuana, Cocaine, Opiates, PCP, 6-Acetylmorphine (metabolite heroin), and MDMA (MDA and MDEA)

Medical Review Officer (MRO)

• Licensed Physician
• Results reviewed with employee first
Points to Remember

Avoid Legal challenges

• Courts favor employee drug testing that is based on procedures that are clear, fair, consistent, and communicated in a written policy
• Seek ideas from your staff
• Speak to an attorney about any legal aspects
TN Drug-Free Application

Updated application

- One page *EASY* to read and fill out.
- Scan the completed application and email it back to the Bureau. Once we process the application the Bureau will email it back to you. This *EXPEDITES* the whole process!
- Email address is provided on the application
  - DFW.Program@tn.gov

House Bill 2416

- “the employer certifies on a “form” prescribed by the bureau that all existing employees have undergone training at least once” . . . . . .
Important Reminder

- **Renew** your application with the Bureau of Workers’ Compensation **each year**

QUESTIONS?