

Sec. 27-102(d)-186. Substance abuse testing

(a) No veteran admitted to a residential program shall be subject to substance abuse testing, except as provided in subsections (e), (f), (g), and (h) of this section. For purposes of this section, the following definitions shall apply:

(1) “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.

(2) “Illegal use of drugs” means the use of one or more drugs, the possession, or distribution of which is unlawful under the Controlled Substances Act, 21 U.S.C. § 812. The term illegal use of drugs shall 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 or state law.

(3) “Current illegal use of drugs” means illegal use of drugs that occurred recently enough to justify a reasonable belief that a person’s drug use is current or that continuing use is a real and ongoing problem.

(4) “Substance abuse” means the current illegal use of drugs, the current use of alcohol in contradiction of the user’s plan of care, or both.

(b) The purposes of substance abuse testing shall be the following:

(1) To assist veterans who:

(A) Need to initiate substance abuse treatment, or

(B) Shall be in active substance abuse treatment, or

(C) Shall be in the maintenance phase of a recovery program, and

(2) To deter veterans from illegal use of drugs and alcohol abuse.

(c) For veterans subject to substance abuse testing pursuant to this section, the Department shall consider the refusal to submit to a substance abuse test as a positive test result. This includes the refusal to submit to an intoximeter test to determine levels of alcohol.

(d) Results of testing shall be used for rehabilitation purposes only, which may include disciplinary action, and shall be confidential in accordance with state and federal law. The Department shall not report test results to the police to initiate criminal prosecution.

(e) **Program Directed Testing**

(1) “Program directed testing” means the ordering of urine samples on a weekly basis, only as part of a current treatment plan approved by the Department. The goal of all treatment is complete abstinence from alcohol and drugs. Program directed testing may be used to detect alcohol and/or drugs. The Department shall specify to the laboratory whether urine is to be tested for alcohol, drugs, or both.

(2) Program directed testing shall continue until successful completion of the treatment, as outlined in the treatment plan.

(3) Unless otherwise instructed at the time of notification, those veterans subject to program directed testing shall report to the Director of the Residential Facility or designee for testing within one hour of being notified. The failure to show or refusal to be tested may result in disciplinary action as defined in Section 27-102(d)-213(d) of the Regulations of Connecticut State Agencies.

(f) **Testing for Current Illegal Use of Drugs**

(1) Testing for current illegal use of drugs shall be clinically indicated if a veteran is not

participating in program directed testing and a veteran has:

(A) Had a confirmed positive test result for illegal use of drugs, as set forth in the regulations of Connecticut state agencies, within the last two years, or

(B) Had a conviction for possession or sale of illegal drugs, within the last two years, or

(C) Participated in a drug detoxification or drug rehabilitation program, either prior to, or after admission to the facility, within the last two years.

(2) Only veterans who meet at least one of the criteria as set forth in subsection (f)(1) of this section shall be tested for current illegal use of drugs. If a veteran is subject to testing for illegal use of drugs, this shall be documented in the veteran's medical record, along with any test results.

(3) Testing for illegal use of drugs shall be done randomly, i.e., at no specific time interval, with no predictability, and with no advance notice. The Health Care Facility's laboratory staff shall compile and maintain a list of veteran case numbers for those subject to testing under this subsection. Selection of case numbers shall be based on use of a computer program that randomly selects its case numbers. Random selection creates an equal probability of each veteran on the list being selected on each test date. The Health Care Facility's laboratory shall not exercise any discretion when administering the random selection process.

(4) Unless otherwise instructed at the time of notification, veterans subject to testing under this subsection shall report to the Director of the Residential Facility or designee for the test within one hour of being notified that the test shall be performed.

(5) The Health Care Facility's Laboratory shall receive specimens from all veterans selected for testing as a result of the random selection process and as otherwise provided in the regulations of Connecticut state agencies. The Health Care Facility's Laboratory shall notify the Director of the Residential Facility, or his designee, in the event that a veteran fails to provide a specimen in compliance with this section. Failure to show or refusal to be tested may result in involuntary discharge.

(6) When a veteran subject to testing for illegal use of drugs has gone two years without an occurrence of any of the clinical indicators in subsection (f)(1) of this section, the veteran shall no longer be subject to testing under this subsection.

(g) Medically Directed Testing

(1) Medically directed testing is performed at the B Clinic or the Health Care Facility's Clinic and is ordered by a health care professional authorized to order tests. It may be used when the health care professional responsible for the veteran's care has observed or been informed of a change in the veterans behavior which may require ruling out medical causes.

(2) The Director of the Residential Facility or the Health Care Facility Administrator may refer a veteran for medically directed testing:

(A) If that person has observed or been informed of a change in the veteran's behavior that may require ruling out medical causes,

(B) If it is determined that the veteran possesses alcohol or drugs on the grounds, or

(C) If the veteran displays at least two of the conditions listed in subsection (h)(3) of this section.

(3) If a veteran refuses to accept a referral for medically directed testing or refuses to be tested, such a refusal shall be documented in the veteran's medical and/or administrative

record. Veterans refusing such a referral or test may be subject to disciplinary action, which may include involuntary discharge.

(h) Administratively Directed Testing

(1) “Administratively directed testing for detection of alcohol” is testing ordered by the Director of Safety and Security or a designee.

(2) Administratively directed testing is accomplished by use of an intoximeter test. Buildings and Grounds Patrol Officers (“Patrol Officers”) shall be responsible for performing administratively directed intoximeter tests. Patrol Officers shall follow the manufacturer’s guidelines and instructions for administering intoximeter testing.

(3) All veterans shall be subject to an intoximeter test if at least two of the following conditions may be evident:

(A) Veterans may be observed to be staggering, swaying, or unstable.

(B) Veterans have strong odor of alcohol.

(C) Veterans seem to have slurred speech.

(D) Veterans appear to be disoriented.

(E) Veterans display disruptive behavior.

(4) Patrol Officers shall be consistent in the application of the above criteria for testing.

(A) The above criteria shall apply to all veterans, regardless of whether they shall be accompanied onto the grounds by the Rocky Hill Police Department.

(B) The above criteria shall not apply if veterans shall be subject to intoximeter testing pursuant to other Department policies.

(5) If a veteran refuses to accept a referral for an intoximeter test or refuses to be tested, such refusal shall be documented in the veteran’s medical and/or administrative record. Veterans refusing a referral or testing may be subject to disciplinary action, which may include involuntary discharge.

(6) All intoximeter readings shall be documented on intoximeter forms and submitted to the Director of the Residential Facility.

(A) If a veteran has a reading greater than .15, the veteran shall be transported to the B Clinic or the Health Care Facility’s Clinic for evaluation.

(B) All veterans needing medical attention, regardless of the intoximeter reading, shall be transported to the appropriate clinic.

(i) All urine specimens shall be collected in accordance with: the Health Care Facility’s policy and procedures.

(1) The taking of the urine samples shall be observed by the Laboratory supervisor or a designee other than a veteran worker. The observer shall be the same gender as the veteran.

(2) As may be clinically indicated, and as specified in the veteran’s individual treatment plan or medical record, specimens may be analyzed for illegal use of drugs, including but not limited to the presence of cocaine, THC (marijuana), amphetamines, and opiates. Specimens obtained pursuant to program directed testing may also be analyzed for the presence of alcohol.

(3) Procedures for collection, storage, and processing of urine specimens shall be followed to prevent tampering.

(j) Test Results

(1) For program directed tests to detect alcohol, a positive result means the presence of

at least 25 mg/ml of alcohol.

(2) For program directed tests and tests to detect illegal use of drugs and medically directed tests, a positive result means the presence of at least 50 ng/ml of THC: 300 ug/ml of cocaine, 300 ug/ml of opiates, or 1000 ug/ml of amphetamines.

(3) For administratively directed or medically directed intoximeter testing for alcohol abuse, intoxication is defined by levels of use which meet or exceed standard legal criteria for intoxication.

(4) A test result that is reported positive may be confirmed by a second positive test result with a different testing methodology, except that the results of an administratively directed intoximeter test may be confirmed by an intoximeter test at the B Clinic or the Health Care Facility's Clinic.

(5) The laboratory supervisor shall provide confirmed positive test results directly to the Director of the Residential Facility or a designee, the attending physician, and the program administrator of the substance abuse service.

(k) Notwithstanding the provisions of the Regulations of Connecticut State Agencies to the contrary, veterans with confirmed positive test results shall be subject to the following:

(1) After any confirmed positive urine test result and/or a breathalyser reading which meets or exceeds standardized criteria for intoxication, the veteran shall attend an informal conference with the Director of the Residential Facility or his designee. The veteran may enter into a written agreement with the Department in accordance with the provisions of Section 27-102l(d)-213 of the Regulations of Connecticut State Agencies.

(2) If the veteran and the Department do not resolve the issue at an informal conference, the veteran may request an administrative inquiry in accordance with Section 27-102l(d)-210 through Section 27-102l(d)-212 of the Regulations of Connecticut State Agencies.

(3) Any veteran assigned to a bed in the Veterans Recovery Center or Transitional Living Center may be reassigned to the Residential Facility upon one confirmed positive test result. This also includes a breathalyser reading which meets or exceeds standardized limits for intoxication.

(l) The Department shall inform veterans at the time of admission or at the development of the individual treatment plan of the consequences of the failure to comply with the Department of Veterans Affairs regulations regarding substance abuse violations.

(m) The need for program directed testing and testing for illegal use of drugs shall be reviewed at least annually by DVA administration.

(Effective January 19, 1996; Amended October 11, 2007)