

CHAPTER 36
HB 597-FN – FINAL VERSION

22Jan2014... 2261h

2014 SESSION

13-0004
01/09

HOUSE BILL ***597-FN***

AN ACT relative to a drug-free workplace for licensed health care facilities and providers.

SPONSORS: Rep. Copeland, Rock 19; Rep. Schlachman, Rock 18; Rep. P. Schmidt, Straf 19;
Rep. St. James, Rock 13

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

 This bill requires licensed health care facilities and providers to adopt a policy establishing procedures for prevention, detection, and resolution of substance abuse, misuse, or diversion in the workplace.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to a drug-free workplace for licensed health care facilities and providers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 36:1 Purpose. It is the intent of the general court that New Hampshire citizens receive health
2 care services in settings that are free from abuse, misuse, and diversion of controlled substances.
3 The state of New Hampshire recognizes that abuse, misuse, and diversion of controlled substances is
4 a serious nationwide problem. New Hampshire further recognizes that patients may be at risk if a
5 health care worker is abusing, misusing, or diverting controlled substances. New Hampshire is
6 committed to the safety and protection of patients and health care workers by promoting and
7 maintaining a substance-free work environment and discouraging the illegal use and diversion of
8 controlled substances by health care workers. It shall be the policy of the state of New Hampshire
9 that health care facilities and providers licensed under RSA 151 shall have a drug-free workplace
10 policy. It is further the intent of the general court that each licensed health care facility and
11 provider have flexibility to develop and adopt a workplace standard appropriate to its size, the
12 nature of services provided, and its particular setting.

13 36:2 New Subdivision; Controlled Substance Abuse, Misuse, and Diversion Prevention. Amend
14 RSA 151 by inserting after section 40 the following new subdivision:

Drug-Free Workplace for Licensed Health Care Facilities and Providers

15 151:41 Controlled Substance Abuse, Misuse, and Diversion Prevention.

16 I. Facilities and providers licensed under this chapter, with the exception of laboratories and
17 collection stations, shall adopt a policy establishing procedures for prevention, detection, and
18 resolution of controlled substance abuse, misuse, and diversion. The facility or provider shall
19 establish written procedures to implement its policy that shall apply to employees, contractors, and
20 agents of the facility who provide direct or hands on care to clients when acting within the scope of
21 their employment or representation and shall designate an employee or interdisciplinary team of
22 employees to be responsible for the policy.
23 employees to be responsible for the policy.

24 II. The policy required under paragraph I shall include:

25 (a) Education of health care workers.

26 (b) Procedures for monitoring storage, distribution, and procurement of inventory if
27 controlled substances are stored, dispensed, or administered at the health care setting.

28 (c) Procedures for voluntary self-referral by addicted employees.

29 (d) Procedures for co-worker reporting.

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1 (e) Procedures for drug testing which shall include, at a minimum, testing where
2 reasonable suspicion exists.

3 (f) Procedures for employee assistance.

4 (g) Provisions for confidentiality.

5 (h) A process for the investigation, reporting, and resolution of drug misuse or diversion.

6 (i) Consequences for violation of the drug misuse and diversion prevention policy.

7 36:3 Effective Date. This act shall take effect 90 days after its passage.

8
9 Approved: May 27, 2014

10 Effective Date: August 25, 2014