



UNDERSTANDING OPIOIDS

IN THE HEALTHCARE WORKPLACE

JACOB M. SITMAN
Chair, Employment & Labor Law
Fitzpatrick Lentz & Bubba, P.C.



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Opioid abuse and addition is a particular concern for medical and healthcare sector employers

Like the construction industry, workplace injuries and chronic pain are more prevalent among healthcare sector employees (due to the inherently physical nature of many jobs)

In some healthcare and personal care workplaces, access to opioids is easy

Weaning off of opioids can be difficult

Admitting the problem is difficult (especially to an employer) due to stigma, etc.



Varied Impacts of Opioids on the workplace

- 1 Absenteeism (employees to care for themselves, family members, or others)
- 2 Lost productivity
- 3 Safety risk
- 4 Increased healthcare costs
- 5 Turnover costs – It's hard to hold a job if you have an opioid addiction

Opioid Addiction is Often a Serious Health Condition under the Family and Medical Leave Act (FMLA)

Be cognizant that a covered employer **may have to give up to 12 weeks of time off under the FMLA** to an eligible employee for addiction treatment.

FMLA leave is useful, but not:

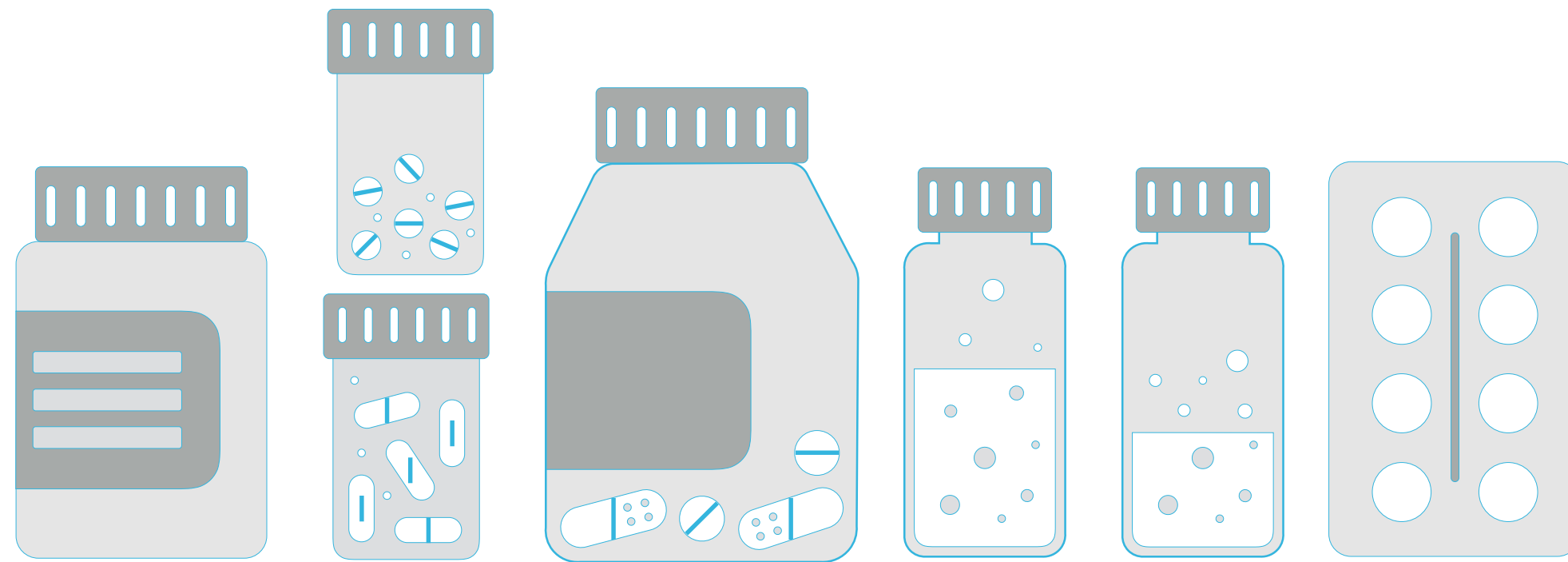
- if worker takes time off to assist extended family / or close friends;
- if the employer has fewer than 50 employees; or
- if the employee does not have at least 12 months of prior service with the employer, etc.

Some states (Rhode Island, New Hampshire) have implemented incentives to employers to offer more compressive leave and support to employees by way of a **tax credit for businesses that create better training, resources and communication around substance abuse.**

12 weeks of FMLA may need to be given eligible employees



Opioid Addiction Can Be a Disability Under the Americans with Disabilities Act (ADA)



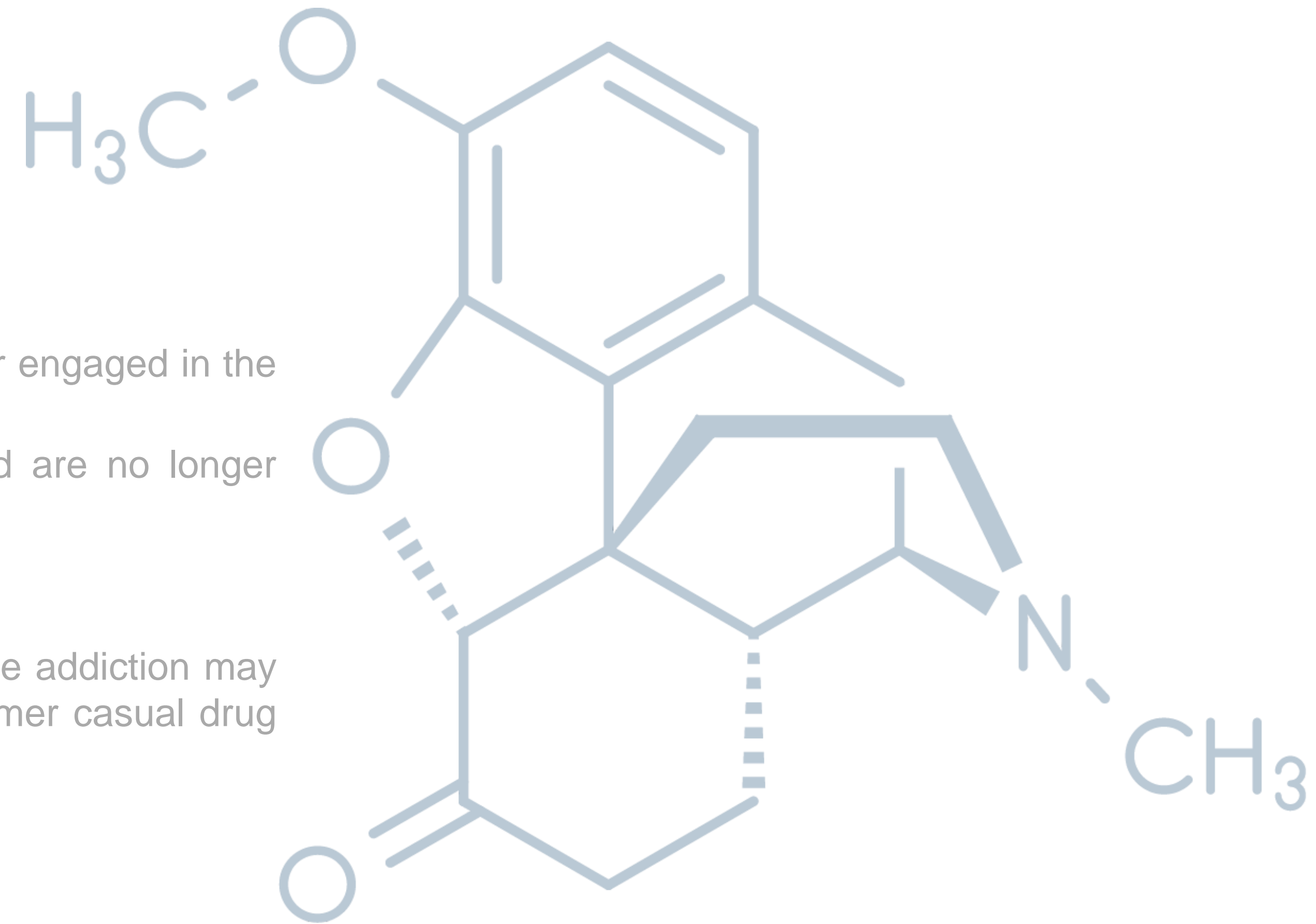
- An individual who is currently engaging in the illegal use of drugs is NOT an “individual with a disability”
- An employer may not discriminate against a person who has a history of drug addiction (but who is not currently using drugs and who has been rehabilitated)
- An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace
- An employer may test employees for the illegal use of drugs
- An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs.
- An employer may require employees who use drugs or alcohol to meet the same standards of performance and conduct that are set for other employees
- Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by federal agencies pertaining to drug and alcohol use in the workplace

So When ARE Opioid (and Other) Drug Users Covered under the ADA?

“Qualified individuals” under the ADA include those individuals:

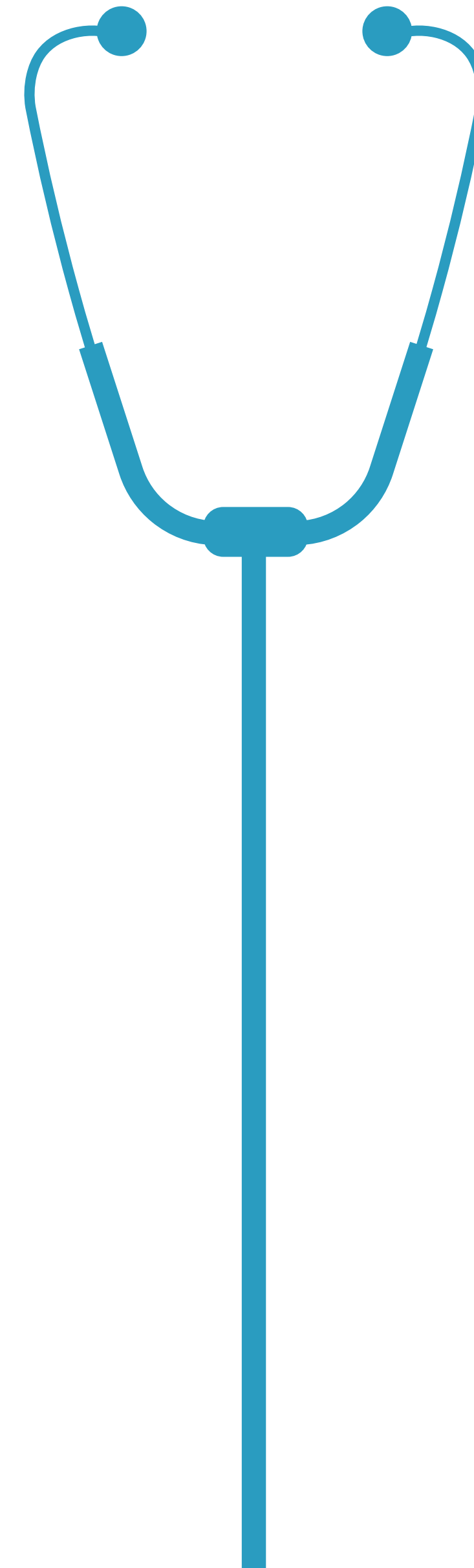
- who have been successfully rehabilitated and who are no longer engaged in the illegal use of drugs;
- who are currently participating in a rehabilitation program and are no longer engaging in the illegal use of drugs; and
- who are regarded, erroneously, as illegally using drugs.

A former drug addict *may* be protected under the ADA because the addiction may be considered a substantially limiting impairment. However, a former casual drug user is *not* protected.



What Can Employers Do to Mitigate the Impact of Opioids in the Workplace?

- Provide health benefits that are alternatives to opioid prescriptions (physical therapy, acupuncture, etc.)
- Provide workers a safe, secure way to dispose of extra medication
- Provide training that helps workers recognize other workers at risk of opioid addiction
- Solutions don't work unless workers feel they can speak up
- Try to reduce the level of stigma so people feel comfortable reaching out for help
- Focus on good ergonomic practices and job safety to decrease injuries that lead to opioid prescriptions
- Think of addiction as a chronic disease and offer resources to family members of addicts



What To Do About Drug Testing

Positive drug test? Fire employee? Consider alternatives, such as:

- For the first time, give workers a second chance
- 30-day suspension and RTW after successful completion of a rehabilitation program
- Rather than turn backs on opioid addicted workers, help them return to responsible, productive lives
- Offer and remind employees of EAP availability

Don't forget: confidentiality is key



Get In Touch With Us

Jacob M. Sitman

Fitzpatrick Lentz & Bubba, P.C.

jsitman@flblaw.com

4001 Schoolhouse Lane

PO Box 219

Center Valley, PA 18034 – 0219

610-797-9000

www.flblaw.com

