

Drug screening policy

Nursing and Midwifery Council policies outline legislative principles and can also reflect the values/philosophies of the Council. They direct conduct and decision making and must be complied with and implemented by members and staff or delegates of the Council and/or nurses, midwives and students practising and training in NSW.

Date of endorsement	Endorsed by	Publication date	Review date
1 June 2018	The Nursing and Midwifery Council of NSW	1 June 2018	1 June 2019

Summary

This policy and its related procedure outline how to comply with conditions requiring a practitioner or student to undergo urine and hair drug screening and the consequences of any non-compliance.

Applies to (scope)

- NSW practitioners and students required to undergo drug screening
- The Nursing and Midwifery Council of NSW, its delegates and HPCA staff

Document owner	Functional group/subgroup
Assistant Director – Council Services	Council Services, HPCA

Drug screening policy

1. Purpose

To ensure that practitioners and students who are required to undergo urine and hair drug screening comply with conditions imposed on their registration, and explain the consequences of non-compliance.

2. Introduction

The Council uses urine and hair drug screening to monitor practitioners and students where there is a history of or concerns about substance misuse or dependence.

The Council understands that sample collection can be inconvenient, intrusive, and expensive. However, negative drug screening results are an effective way for the Council to protect the public, by knowing that a practitioner or student is not affected by substances and can continue safely in practice or training.

3. Definitions and abbreviations

Term	Explanation
Council	Nursing and Midwifery Council of NSW
HCCC	Health Care Complaints Commission
Monitoring team	Team responsible for monitoring compliance with restrictions
participant	a practitioner or student participating in drug screening because a condition on their registration requires it
the Standard	the AS/NZS 4308:2008, <i>Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine</i>
substance	any: <ul style="list-style-type: none"> substance listed in Schedule 1 of the <i>Drug Misuse and Trafficking Act 1985</i> pharmacist only, prescription only or controlled drug medication as contained in Schedule 3, 4 or 8 of the Poisons Standard (SUSMP).
the Tribunal	The New South Wales Civil and Administrative Tribunal

4. Mandatory requirements for drug screening

4.1. Compliance with this policy

Participants must comply with all aspects of this policy, the Council's *Participant procedure: drug screening* and all drug screening conditions on their registration.

If a condition is inconsistent with this policy or the procedure, the condition prevails.

All aspects of screening, including how often participants must attend, will be overseen by the Council. Compliance will be monitored by our monitoring team.

4.2. Non-compliance with drug screening

Non-compliance with drug screening is any failure to follow the requirements of this policy, the Council's *Participant procedure: drug screening*, and any drug screening conditions on a participant's registration.

If a participant does not comply, the Council will ask them for a written explanation, and may also ask the pathology provider for more information. The Council will then consider whether further action is required. In some cases the Council may take action without asking the participant for an explanation.

Non-compliance with drug screening includes, but is not limited to, the circumstances listed in the following table.

Circumstance
<ul style="list-style-type: none"> a. a positive result for a substance where there is no written confirmation from a treating practitioner that they advised, prescribed or administered that substance b. the participant fails to commence screening within the required timeframe c. the participant fails to attend for screening when required d. the participant provides samples for screening outside of the approved collection and testing regimen e. the participant fails to complete request forms as required f. the participant provides samples that do not meet the chain of custody g. the participant uses, makes, alters or possesses an object or product to defraud a drug screening test h. the provided sample is inadequate or unsuitable for testing i. the participant fails to provide supporting information about any absences from screening within the required timeframe j. a pattern of participant behaviour raises concerns about their compliance with this policy, the related procedure or related conditions on their registration.

If a participant does not comply the Council may:

- give the participant a warning and explain any other action the Council may take if they do not comply in the future
- increase the frequency or length of drug screening
- require that the participant attend an interview or hearing to consider the matter further
- take immediate action, such as imposing more restrictive conditions (including a critical impairment condition) on or suspending the participant's registration and refer a complaint to the HCCC
- refer a complaint to the HCCC.

4.3. Compliance with critical impairment and critical compliance conditions

4.3.1. Critical impairment and critical compliance conditions

There are two types of critical conditions that can be imposed on a participant's registration that have specific consequences for non-compliance. The following table shows which bodies can order these conditions and which participant group is affected.

Condition type	Ordered by	For
Critical impairment condition	The Nursing and Midwifery Council of NSW	Practitioners and students
Critical compliance condition	The NSW Civil and Administrative Tribunal	practitioners and students
	Professional Standards Committee	practitioners

4.3.2. Non-compliance with critical impairment and critical compliance conditions

If a participant does not comply with a critical impairment or critical compliance condition, the Council must take action. The following table shows what action is taken if the Council considers that a participant has breached one of these conditions.

Condition type	Action taken
Critical impairment condition	The Council must refer the matter to the HCCC
Critical compliance condition	The Council will immediately suspend the participant's registration and refer the matter to the Tribunal, which must cancel the participant's registration if it is satisfied that the condition has been breached

5. Implementation

Implementing party (Position/Groups/Bodies)	Key actions required by identified party to implement the policy
NSW practitioners and students	comply with this policy, its related procedure and related conditions imposed on their registration.
Monitoring team	monitor compliance with this policy, its related procedure and related conditions imposed on a participant's registration on behalf of the Council.
the Council	make decisions about a participant's progress with screening and compliance with this policy, the related procedure and any related conditions imposed on their registration.

6. Legislation and references

Laws and standards AS/NZS 4308:2008, *Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine*

Fact sheets The Council has a range of [fact sheets](#) providing information about drug screening.

7. Related policies

Nursing and Midwifery Council of NSW *Participant procedure: drug screening*

8. Revision history

Version	Approved by	Amendment notes
1 st Draft	N/A	N/A