

Nursing

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Setting the Scenario Healthcare professionals are an increased risk of prescription drug abuse due to their easy access to medications and controlled substances. According to the National Institute on Drug Abuse (NIDA) between 8 percent and 12 percent of healthcare workers have chemical dependencies. Pharmacists are the most affected by this problem. Since pharmacy is a highly esteemed profession, most pharmacists have difficulty seeking treatment and often wait until their problem is discovered by the employer.

Notably, a disabled employee who relapses into chemical dependency is not protected by the American with Disabilities Act (ADA) from adverse employment action, which may include termination. But if the person with a history of chemical dependency is no longer engaging in drug use, he is protected by ADA from employment discrimination, provided he has been in recovery long enough to have become stable. This means the employee is in a long term recovery programs with long term abstinence from drug use.

The scenario

In the case of the employee taking patients' medication for self-use, the first step would be to establish whether the employee is addicted. Confronting the employee to admit that he diverted the drug for his own use is the next step. Firing the employee may not be the best option here. The Human Resources department would place the employee on a medical leave of absence and help her report to a drug rehabilitation facility.

On completion of the in-patient portion of the drug rehabilitation program, the Human Resources should then fire her on gross misconduct involving diversion of patient's drugs. Under the Americans with Disability Act, drug

addiction is considered a disability. But here he won't be qualified under ADA since he is engaged in the illegal use of drugs. The legal section will be able to take over from here and handle the case if the employee decides to sue the organization. That will, however, be a futile attempt.

Reference

Shafer v. Preston Memorial Hospital Corporation, 107 F. 3d 274 (1997)