

Policy and Standards

Product Applicability: (For Health Insurance Marketplaces, policies and procedures are the same, unless contractual requirements dictate a more stringent variation in which case customized documents are created.)

<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Medicaid	<input checked="" type="checkbox"/> Medicare Part: C (Medicare Advantage)	<input checked="" type="checkbox"/> Medicare Part D	<input checked="" type="checkbox"/> Federal <small>(applies to Magellan Healthcare, non-Medicaid or Medicare, federal contracts)</small>
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Business Division and Entity Applicability:

Magellan Healthcare						
<input checked="" type="checkbox"/> Magellan Healthcare [Behavioral](B)	<input checked="" type="checkbox"/> Magellan Complete Care(C) <input checked="" type="checkbox"/> MCC Florida (CFL) <input checked="" type="checkbox"/> MCC Virginia (CVA) <input checked="" type="checkbox"/> MCC The Management Group (CTMG)	<input checked="" type="checkbox"/> Magellan Healthcare Provider Group(G)	<input checked="" type="checkbox"/> Alpha Care of New York(L)	<input checked="" type="checkbox"/> National Imaging Associates(N)	<input checked="" type="checkbox"/> HealthPeaksMD (P)	
Magellan Rx Management						
<input checked="" type="checkbox"/> Magellan Rx Pharmacy(I)	<input checked="" type="checkbox"/> Magellan Medicaid Administration(A)	<input checked="" type="checkbox"/> Magellan Pharmacy Solutions (S)	<input checked="" type="checkbox"/> Magellan Method (formerly CDMI) (D)	<input checked="" type="checkbox"/> Magellan Rx Management (R)	<input checked="" type="checkbox"/> Magellan Administrative Services(O)	<input checked="" type="checkbox"/> Magellan Rx Medicare (K)

Corporate Policy:

Policy Number:	HR.1506.09.B-C(CFL,CVA,CTMG)-G-L-N-P-I-A-S-D-R-O-K		
Policy Name:	Drug-Free Workplace		
Date of Inception: February 28, 2002	Previous Annual Review Date: September 19, 2016	Current Annual Review Date: December 18, 2017	
Review Type:	<input type="checkbox"/> New Policy <input type="checkbox"/> No Changes <input type="checkbox"/> Non-substantive <input checked="" type="checkbox"/> Substantive (material changes or initial documentation of current processes)		
Previous Corporate Approval Date: September 19, 2016	Current Corporate Approval Date: February 02, 2018	Unit Effective Date: March 02, 2018	

Corporate Policy Approvals:

Donna Positano	<i>Approval on file</i>	February 02, 2018
Magellan Health, Senior Vice President, Human Resources		Date
John J. DiBernardi, Jr., Esq.	<i>Approval on file</i>	February 02, 2018
Magellan Health, Senior Vice President & Chief Compliance Officer		Date
Dan Gregoire, Esq.	<i>Approval on file</i>	February 02, 2018
Magellan Health, Executive Vice President, General Counsel		Date

DRUG-FREE WORKPLACE

Cross Reference(s)

None

Policy Statement

Magellan Health, Inc., its subsidiaries and affiliates, (Magellan) is committed to promoting and maintaining an alcohol and drug-free work place for its employees and to promoting the health, safety and well-being of its employees. Magellan hires only individuals who can demonstrate that they do not use illegal drugs and/or abuse controlled substances. Magellan requires all applicants to submit to a pre-employment drug test as part of the selection/hiring process. Additionally, where reasonable suspicion exists or after a job related incident, an employee may be required to submit to drug testing. Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

Purpose

Adherence to this policy is meant to aid in the achievement of Magellan's goal to ensure that the workplace is free from the use of any substance, including alcohol, illegal drugs, or controlled substances, that leads to impairment at work, and to provide employees with resources and assistance to support them in following this policy.

Scope

<input checked="" type="checkbox"/> Account Management	<input checked="" type="checkbox"/> Claims (Service Ops)	<input checked="" type="checkbox"/> Clinical Operations
<input checked="" type="checkbox"/> Compliance	<input checked="" type="checkbox"/> Corporate Physical Security	<input checked="" type="checkbox"/> Credentialing/Re-cred
<input checked="" type="checkbox"/> EAP	<input checked="" type="checkbox"/> Federal and State Affairs	<input checked="" type="checkbox"/> Finance
<input checked="" type="checkbox"/> Human Resources	<input checked="" type="checkbox"/> Information Systems Security	<input checked="" type="checkbox"/> Information Technology
<input checked="" type="checkbox"/> Legal	<input checked="" type="checkbox"/> Marketing/Comm/Sales	<input checked="" type="checkbox"/> Network
<input checked="" type="checkbox"/> Operations (Member Services)	<input checked="" type="checkbox"/> Quality Improvement	<input checked="" type="checkbox"/> Special Investigations Unit

Key Terms *(as used in this policy)*

Illegal Drug or Controlled Substance

Any drug which has not been legally obtained or is not being used for its intended purpose or as prescribed.

Intoxicating Substance

Intoxicating substances shall include illegal or controlled substances, medically prescribed drugs, or alcohol.

Legal Drug

Prescribed drugs and over-the-counter drugs which have been legally obtained and are being used in the intended dosage and for their intended purpose or as prescribed by a licensed physician.

DRUG-FREE WORKPLACE

Medical Review Officer (MRO)

A licensed physician who interprets drug test results reported by the drug testing lab to ensure a scientifically valid result and evaluates whether a legitimate medical explanation could account for certain drug results reported by the laboratory.

Reasonable Person

An individual who demonstrates fair, rational, and sound thinking within the bounds of common sense.

Substance Abuse

Any drug (legal or illegal) that is not being used for its intended purpose or at its intended dosage.

Under the Influence

A state or condition in which an individual is affected by drugs or alcohol in a detectable manner as observed by a reasonable person.

Additional *Policy Terms & Definitions* are available should the reader need to inquire as to the definition of a term used in this policy.

To access the *Policy Terms & Definitions Glossary* in MagNet, click on the below link: *(internal link(s) available to Magellan Health employees only)*

[Policy Terms & Definitions Glossary](#)

Standards

- I. Employee Responsibilities
 - A. Report for work on time, free from any impairment that may affect their ability to perform their job responsibilities;
 - B. Notify the Department Manager if they are not able to report for work and charge the time to Paid-Time-Off (PTO), if available;
 - C. Make appropriate use of resources that Magellan has made available to employees who think that they need assistance in dealing with drug or alcohol abuse;
 - D. Notify Human Resources (HR) within three (3) days of a conviction of a criminal drug statute violation. As a government contractor, Magellan must notify the Federal government if any of its employees are convicted of a criminal drug statute violation occurring in the workplace. If a conviction arising out of a violation of a criminal drug statute on Magellan time is not disclosed by the employee but is later discovered and verified, the employee will be subject to disciplinary action, up to and including termination;
 - E. Prior to performing work, notify the Department Manager of any required over-the-counter or prescription drug that may cause adverse side effects;
 - F. Submit to drug and/or alcohol testing, in accordance with this policy, if reasonably suspected of being under the influence, or following a workplace incident, or as part of a recovery program. Refusal to submit to such tests may result in termination;
 - G. Cooperate fully in a search of personal property, resulting from reasonable suspicion, positive test results, or following a workplace incident. The search may include all Magellan property, facilities, and Magellan provided lockers and desks. Refusal to

DRUG-FREE WORKPLACE

cooperate in a reasonable search may result in disciplinary action, up to and including termination; and

- H. Refrain from consuming alcohol while on the company's premises, client premises, or while conducting company business. Occasional exceptions may include official day or evening functions at which alcohol may be served, as long as use does not prevent employees from performing their jobs competently or pose any threat to the safety or welfare of the employee or others.
 - I. Employees who do not comply with the requirements of the *Drug Free Workplace Policy* may be subject to disciplinary action, up to and including termination.
- II. Department Manager Responsibilities - If an employee appears impaired on the job, Managers should:
- A. Not attempt to diagnose the employee;
 - B. Contact HR to discuss their concern. If no appropriate HR staff member is available, contact the next level of management;
 - C. Escort disruptive employees from the work area. If the behavior exhibited is in any way threatening to the welfare of the employee or others persons, a call should be made to 911 requesting emergency assistance, followed immediately by a call to Security;
 - J. When there is suspicion that an employee is in violation of this policy, Managers should contact Security or HR for assistance to inspect employee's personal property located in the workplace or on Magellan property;
 - D. After consultation with HR, require that the employee report to an applicable testing facility immediately. Without physically restraining the employee, all efforts should be made to prevent him/her from driving. Options include calling a cab, a family member, or a friend to transport the employee home or providing a safe place for the employee to recuperate. Department Managers and employees should not transport the employee;
 - E. Work with HR to identify an appropriate course of disciplinary action, up to and including termination. Magellan may require employees who need assistance in dealing with alcohol/drug abuse to make use of Magellan programs as a condition of employment. These resources may include the Employee Assistance Program; and
 - F. Maintain confidentiality. Information, investigation, and determinations related to violations of the Drug-Free Workplace policy should not be discussed with anyone inside or outside Magellan, other than HR, Legal, or senior management with a need to know.
- III. Employee Assistance
- A. Illegal drug use and alcohol misuse have many serious adverse health and safety consequences.
 - B. Employees are encouraged to access information about those consequences and sources of help for drug or alcohol problems through Magellan's Employee Assistance Program(EAP):
 - 1. EAP benefits are available for employees and their dependents at no cost, regardless of whether they are enrolled in Magellan's benefit package. The EAP is available to all employees 24 hours a day, seven days a week and provides confidential assessment, referral and counseling for employees and their dependents who need or request these services; and

DRUG-FREE WORKPLACE

2. In addition to personal, confidential counseling services, the EAP provides an abundance of resources to assist employees and their dependents with substance use and abuse, including articles, self-assessments, links to community resources, and prevention programs.

IV. Required Testing

A. Pre-Employment Drug Testing

All offers of employment will be made contingent upon the candidate successfully passing a pre-employment drug test by an accredited laboratory coordinated through Magellan's current drug screen vendor. Refusal to submit to this requirement, failure to comply with this requirement within forty-eight (48) hours of the email notification being sent by the drug screen vendor, a positive test result, or tampering with a medical specimen may render the contingent offer of employment null and void.

1. Pre-Employment Drug Testing Protocol

- a) The recruiter or Department Manager makes a verbal offer and informs the candidate of the contingent nature of the offer.
- b) The candidate receives an email from Magellan's drug screen vendor with instructions on how to complete the drug testing process.
- c) The candidate has forty-eight (48) hours from initiation of the email to give a test sample. The confirmation email includes a registration number and a link, which the candidate uses to locate a testing facility.
- d) The lab receives a sample and tests one-half. The other half of the sample is frozen.
- e) If the specimen is diluted, a second test will be ordered and must occur within twenty-four (24) hours of receipt of the registration email. If the second specimen is diluted, Security or Employee Relations will inform Talent Acquisition that a hair sample test will be required. Talent Acquisition will work with the drug screen vendor on the logistics of the test, including providing the candidate with a new registration number. The hair sample test must occur within twenty-four (24) hours of receipt of the registration email.
- f) In cases where a positive drug screen result is returned from the lab, the drug-screen vendor's Medical Review Officer (MRO) will attempt to contact the candidate to provide an opportunity to provide a legitimate medical explanation to account for the result. When the MRO can determine that a legitimate medical explanation exists, the MRO will report the final result as negative.
- g) Security and HR will access the drug screen vendor's secure website for results. If a drug test is deemed positive, the drug screen will be adjudicated as fail and steps will be taken in accordance with Fair Credit Reporting Act (FCRA) standards. If the candidate disputes the results, an additional test will be conducted at the candidate's expense using the original frozen sample.

B. Reasonable Suspicion (For-Cause) Drug Testing

1. When a Department Manager, in conjunction with HR and Security, has a reasonable suspicion that an employee is under the influence during working hours, the employee may be required to submit to a drug screen or alcohol test by an accredited laboratory coordinated through the drug screen vendor. Examples of reasonable suspicion include, but are not limited to:

DRUG-FREE WORKPLACE

- a) Evidence of drugs/alcohol or reports of drug/alcohol abuse from customers, vendors or other employees;
 - b) Behavioral symptoms or observations of employee that suggest doubt as to his/her fitness for duty, e.g., slurred speech, alcohol on breath, glassy eyes, unsteady gait, unexplained changes in personality;
 - c) Behavior that creates a dangerous situation or promotes a hostile environment in the workplace; and
 - d) Following a workplace incident.
2. A refusal to submit to this requirement, a positive test, or tampering with a medical specimen may be cause for disciplinary action, up to and including termination. Positive test levels for drug abuse or alcohol will be the test levels established by the Federal Department of Health and Human Services.
 3. If reasonable suspicion drug testing is conducted, the employee will be suspended without pay pending receipt of the test results, which generally occurs within five (5) working days.
 4. If the test results are negative, the employee shall be immediately reinstated with pay and no loss of benefits or seniority, unless other performance or behavioral issues were a part of the incident and further discipline is warranted on that basis.
 5. If the test results are positive, the employee's suspension will continue in a non-pay status with further disciplinary actions and/or treatment programs to follow.
 6. In accordance with State laws, the employee may request or be provided with a copy of the test results Magellan receives from the laboratory relating to the employee's test.
 7. If an employee tests positive for alcohol or drugs, it will be at Magellan's discretion, in accordance with applicable state laws, to terminate the employee or allow the employee to maintain his/her employment and enter a treatment program. Examples of situations that will likely result in an employee's termination include, but are not limited to:
 - a) Workplace incidents attributable to drug or alcohol abuse;
 - b) Inappropriate contact or interactions with clients, providers, or employees while in an intoxicated state;
 - c) Other actions of significant detriment to Magellan's professional reputation; and
 - d) Refusal to cooperate or commence treatment.
 8. Each situation will be considered on its own set of facts to ascertain whether termination is appropriate. If permitted to maintain employment and pursue a treatment program, the employee may be placed on a leave of absence and may be eligible for protection under the Family and Medical Leave Act once treatment begins. Any treatment will be at the employee's expense unless covered by the Magellan's behavioral and/or health care benefit. During such time, the employee may apply for Short Term Disability (STD) benefits if eligible; if not eligible, employee must use earned PTO time. If STD benefits are denied and the employee has exhausted all PTO time, the employee will be in an unpaid leave status for as long as they are actively seeking treatment within the guidelines of the program.
 9. If permitted to maintain employment and undergo treatment, the employee may return to work upon successfully completing or following the guidelines of the

DRUG-FREE WORKPLACE

treatment program and proof of a negative test result. An employee returning to work after successful completion of a treatment program will be subject to random testing for a period of one year, at Magellan's expense. Any positive test results occurring during this period will generally result in termination of employment.

C. Post-Incident Drug Testing

1. Magellan may require drug/alcohol testing immediately after a job-related incident, regardless of injury to person or damage to property, for the purpose of confirming or refuting drug or alcohol abuse as a possible cause. HR and the Manager will determine the need for such testing.
2. The above procedures for reasonable suspicion testing, such as selection of laboratory and levels of positive tests, will apply to post-incident testing procedures. A positive test result will generally result in termination of employment.

D. Post Treatment/Random Drug Testing

1. Magellan will require periodic random testing for those individuals returning to work after successful completion of a required treatment program. Testing frequency will not exceed an average of once a month, unless there is reasonable suspicion of drug/alcohol abuse, in which case Magellan may require testing regardless of when a previous test has occurred. A positive test result will generally result in termination of employment.
2. The above procedures for reasonable suspicion testing, such as selection of laboratory, levels of positive tests will apply to testing for employees who have completed treatment.

E. Testing Protocol

1. Tests will be accomplished through analysis of a blood and/or urine sample or any other testing method as recommended by the designated medical clinic. All testing procedures will be conducted by an independent lab in compliance with generally accepted testing guidelines. All specimens will be obtained from the employee at the laboratory designated by Magellan so that a chain of custody can be established and maintained. The applicant's/employee's cooperation with the clinic's collection procedures will be required.
2. Test levels are considered positive if they meet the levels established by the Federal Department of Health and Human Services. Generally, recognized tests will be used to confirm the presence of illegal drugs. The employee may request confirmation of a positive test result by immediate testing of the second half of the original sample at the employee's own expense. An employee who successfully challenges the initial positive test will be reimbursed for the cost of the second laboratory test. Magellan may have a third and determinative test performed at a third independent lab of Magellan's choosing and Magellan's expense.
3. Magellan will notify the employee of all test results.

V. Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO are kept confidential to the extent required by law and maintained in secure files separate from employee personnel files. However, documentation of disciplinary actions taken as a result of violations of this policy will appear in an employee's personnel file. All test results will remain confidential and HR

DRUG-FREE WORKPLACE

will release information on a need-to-know basis only, such as to Department Managers directly involved in supervision of the employee or to satisfy legal or medical requirements.

Associated Corporate Forms & Attachments (internal link(s) available to Magellan Health employees only)

The following forms can be obtained from the HR Department:

Return to Work Agreement

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