

HOW EMPLOYERS CAN HELP ADDRESS AMERICA'S OPIOID EPIDEMIC

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As many as 50,000 Americans may have died last year alone of opioid-related overdose, and with the use of prescription opioids to relieve pain at staggering levels, that number continues to increase with no end in sight. A recent study showed 2 million Americans had a substance use disorder involving prescription pain relievers, while drug overdose is now the leading cause of death of Americans under the age of 50. Abuse of the drug has had tragic consequences across the nation, ravaging communities and tearing apart families. What role can employers play in combatting this 21st-century drug crisis?

PRESCRIPTION DRUG USE OFTEN LEADS TO HEROIN ADDICTION

To understand how we ended up in the midst of this crisis, it's helpful to have some background information. Opioids may be found in any medicine cabinet. They are a broad group of drugs including the regularly prescribed painkillers oxycodone, hydrocodone, morphine, and fentanyl. They interact with opioid receptors on nerve cells in the brain and nervous system to create a pleasurable experience and relieve pain. Due to the relief they provide, consumers of these drugs often become dependent. Once addicted, individuals may turn to heroin, which, although illegal, is often a cheaper and more accessible opioid. In fact, nearly 23 percent of opioid users will eventually become addicted to heroin, and approximately four in five heroin addicts developed their addiction after taking prescription painkillers.

EFFECTS ON THE WORKPLACE

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Employees may be prescribed opioids to relieve pain following a workplace injury, which could begin a path to dependency. Regardless of how an employee begins the abuse cycle, use of these drugs could have a dramatic impact on the individual's performance. Opioid dependency often leads to drowsiness, shifting moods, anxiety, and depression. An employee with an opioid addiction may struggle to maintain regular attendance or achieve quality goals and could pose a safety hazard to themselves and coworkers. Moreover, addiction usually causes financial issues because the addict is in constant search for a fix, which could lead to workplace theft or embezzlement.

FOUR PRACTICAL LESSONS FOR EMPLOYERS

The growing opioid epidemic and its impact on the behavior and health of employees creates unique challenges for employers. Although no perfect response is available, now is the time to rethink your drug testing and counseling programs in order to keep your employees and workplace safe. A focus on education, prevention, and counseling may help minimize the impact of opioid use on your workplace. When formulating your plan to address the issue, you should consider the following four steps:

1. Create An Environment Where Employees Are Likely To Disclose Opioid-Related Issues

Given the rise of opioid use, you should consider encouraging employees to tell you if they have a problem or suspect that another employee may have an issue with prescription painkillers. This starts by creating a workplace environment conducive to the free exchange of information. This is an evolving area of human resources and business management; you must balance the concern of being viewed as an employer intrusive of employees' private home life, against potentially dealing with an employee who quits, overdoses, or creates a safety or liability concern due to an addiction you may have ignored.

The key to preventing opioid addiction among your workforce is educating employees on the harmful impacts of abusing painkillers. If you become aware of a potential abuse of opioids in the workplace, attempt to approach the employee in a cordial, non-confrontational manner to offer assistance. Pay special attention to employees returning to work after an injury. But because there are

some legal dangers associated with any such communication, you should first consult with your legal counsel to navigate any potential Americans with Disabilities Act (ADA) or Health Insurance Portability and Accountability Act (HIPAA) issues.

2. Reconsider Zero Tolerance Drug Testing Failure Policies

An employee who loses their job because they fail a drug test may fall further into the depression often caused by opioid use. Unemployment may lead to more drastic outcomes for the employee, including intentional or accidental overdose. In order to avoid such a tragedy, you should revisit your zero tolerance drug testing policy.

Many employers have recently modified their drug testing policy due to the Occupational Safety and Health Administration's (OSHA) new rule. Effective December 1, 2016, OSHA requires employers to perform compulsory drug tests after workplace accidents only when there is a reasonable basis to believe the incident or injury was likely caused by the employee's impairment, and if the drug test will determine whether the employee was impaired at the time of the incident or injury (versus a test that shows mere historical drug use).

When modifying your drug testing policy, and in light of the opioid epidemic, you should think seriously about removing any provision requiring the automatic termination of the employee after the first positive drug test. Instead, you can amend your policy to include mandatory counseling for employees who fail drug tests. This not only gives the employee a second chance to get "clean" and attempt to end their dependency, it also provides the individual with an opportunity to obtain much-needed education and counseling on their condition. The permitted use of prescription drugs while working must also be clearly explained in the policy.

3. Consider Enhanced Monitoring Of Workers' Compensation Claims

Many workers' compensation carriers (and even employers) often seek to minimize the potential impact of claims by finding the most inexpensive treatment option possible. Indeed, under the guise of "conservative" treatment, insurance carriers may be more inclined to pay for opioid prescriptions to "treat" an on-the-job injury versus more aggressive treatment options (i.e., steroid

injections, surgical intervention, etc.), even when medical providers recommend the latter. This dynamic can lead to more incidents of dependency – and increased tolerance levels in the event of a future surgery – simply in the name of reducing the financial impact of a workers' compensation claim. You should monitor these trends, and even your medical providers, and evaluate the care provided to injured workers.

4. **Revisit And Enhance Your Drug Counseling Programs**

Finally, now is the time to evaluate and enhance your drug counseling programs. Questions you should address include whether your insurance provider offers drug counseling to employees, whether there is an extra cost for this service, and if your employees are aware of this amenity. Providing employees robust counseling on opioid use and addiction may prevent further drug abuse.

CONCLUSION

Although opioid use continues to increase at an alarming rate, many employers have not yet addressed this concern in their policies and programs. There is no perfect plan currently available, but working with counsel to take proactive steps and avoid risks to your employees is a good place to start.

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