

**Department of Public Health, Substance Abuse Prevention and Control
Required Language for Toxicology Policy and Patient Agreement in Alignment
with R95 Access to Care Expectations (Draft for comment - 10/22/2024)**

- Required Language – Noted in **BLUE**
- Recommended Language – Noted in **BLACK** text and can be modified or omitted
- Comments – Noted in **ORANGE ITALICS** text are clarification and are not for inclusion in the policy
- To include additional agency-specific information not covered in the template, insert a new paragraph directly after the relevant block of required text.
- Use agency specific headers / formats in accordance with your policy and procedure standards
- This is not an exhaustive Toxicology Policy and Patient Agreement, and any other County or State requirements need to be included in an agency's final version, including additional guidance that aligns with the intent of the R95 Initiative.

Note: Provider agencies may use "client" or "patient" depending on your standard language

PURPOSE:

This agreement provides an outline of agency protocol and expectations for implementing toxicology (also known as drug or urinalysis) testing as a therapeutic tool to support clients enrolled in substance use disorder (SUD) treatment. The aim is to operationalize a toxicology testing approach that is grounded in a non-judgmental, person-centered framework where:

- Toxicology testing serves as one of many tools to facilitate discussions with patients about their substance use, inform level of care placement, monitor treatment progress, and connect patients with harm reduction services, as applicable.
- Neither a positive nor negative toxicology test is a prerequisite for admission.
- A positive toxicology test result is not grounds for automatic discharge.
- Toxicology testing ultimately supports the individual recovery of clients.
- Toxicology testing can be part of a client's treatment goals and relapse prevention plan.

SCOPE:

This policy applies to all supervisors, Licensed Practitioners of the Healing Arts (LPHA), registered/certified counselors, Medi-Cal Peer Support Services Specialists, and other staff who provide direct services and/or have a role in patient toxicology testing. Furthermore, it applies to all levels of care and services provided by the agency (e.g., outpatient, intensive outpatient, residential, withdrawal management, Opioid Treatment

Programs, Recovery Services, Recovery Bridge Housing, and Recovery Housing).
[Include all levels of care and services offered by your agency]

DEFINITIONS:

Reaching the 95% (R95): This is an initiative specifically designed to reach the 95% of people who according to national data meet criteria for SUD treatment but either do not want it or chose not to access it by reducing barriers to care, including but not limited to, updating admission and discharge policies to include admission and delivery of services to those who are not abstinent but are interested in receiving services, do not state a readiness for complete abstinence; developing and implementing a service design that accommodates those who are not ready for complete abstinence; and identifying new collaborative opportunities and/or alternate service locations to better reach this population.

R95 Population: Individuals who most likely did not come to the program with a clear desire to commit to treatment and achieve long-term abstinence but do recognize that their substance use has been problematic and/or are willing to take steps to address those issues through participation in services.

Stages of Change: A model developed by Prochaska and DiClemente that posits that individual move through the following five stages when changing a behavior: precontemplation, contemplation, preparation, action, and maintenance. Relapse, also referred to as return to use, is recognized as a common part of the stages of change, providing an opportunity for learning and continued progress toward lasting recovery.

Toxicology Testing: A [An optional] tool that can be offered alongside other clinical interventions to support patients' individualized goals and used by the treatment team to better inform care. The frequency of toxicology (also known as "drug" or "urinalysis") testing is informed by clinical need. When a person has a clinically unexpected result or declines to test, this should prompt therapeutic discussions with the patient and consideration of the patient's plan of care and it does not result in an automatic refusal in admission or discharge from treatment. Provider agency staff prioritize engaging a person in treatment, which may include referrals to additional appropriate services. [SAPC is seeking to transition to the term "toxicology" rather than "UA" or "drug" testing. As part of the policy and procedure, agencies may continue to use terms such as "drug" testing that may be better understood by agency staff and recommend including "also known as 'toxicology testing'" to begin to familiarize the workforce with this terminology]

PROCEDURES:

I. Patient Rights:

- A. Patient Consent: While choosing to test is highly encouraged due to clinical benefits, prior to engaging in toxicology testing, patients must voluntarily provide written consent (see Patient Agreement attached). Staff provide information about toxicology testing and patients' rights to the patient in their preferred language.

B. Confidentiality:

1. A patient's test result will only be visible to the patient and to the practitioners at [insert agency name]. A patient can authorize the sharing of their test results with judicial entities or other external clinical and community partners upon the patient's voluntary request and following the patient's signed release of information authorization form that permits information sharing in accordance with 42 CFR Part 2, HIPAA, and all applicable rules and regulations. Patients may request to revoke their previously authorized release of information at any time. Exceptions to these rules as outlined in 42 CFR Part 2 (e.g., in case of medical emergency or when required by court order) may apply.
2. All processes and information sharing will be conducted in compliance with 42 CFR Part 2, HIPAA, and all applicable rules and regulations.

II. Screening Panel:

- A. [Agency name] tests for the presence of the following substances on the screening panel:
 1. [List substances tested for on screening panel]

III. Screening Frequency: The frequency of toxicology testing will be individualized and determined by clinical need. Toxicology testing is not used as a "punishment" or to catch or entrap patients in cases of suspected substance use. Rather, testing provides an opportunity for the treatment team to engage in collaborative conversation with the patient, helping them reassess treatment goals, identify triggers, and strengthen their plan of care.

- A. Random and for-cause toxicology testing may be offered to patients when there are instances of suspected use that impact the safety of the patient or treatment milieu. Results of such toxicology testing shall only be used in the same individualized and patient-centered approach as outlined in this policy.
- B. [Describe agency protocol for screening frequency]

IV. Materials:

- A. [List materials and point of care cup required for toxicology testing]

V. Testing Process and Chain of Custody: Testing follows a detailed protocol and chain of custody to ensure the safety of patients and staff, obtain information that

supports a treatment milieu free from on-site substance use and preserves the integrity and reliability of test results.

- A. Patients are asked to self-report any substance use that may result in a positive toxicology test result prior to testing, as well as any factors that may result in a false positive result. This includes all recent medications (prescription and over the counter) and supplements.
 - B. Patients are asked to empty their pockets, remove bulky outer clothing, and leave all personal items outside the testing space. [Detail additional agency policies to prevent falsification of the specimen]
 - 1. Unobserved specimen collection is used as the default collection method in combination with procedural precautions to prevent falsification, honoring patient privacy, and fostering a trusting patient-provider relationship.
 - 2. Staff may conduct direct observation of specimen collection [in cases when less intrusive measures to ensure testing validity have been previously unsuccessful, such as prior sample tapering] using a trauma-informed and culturally responsive approach. Staff recognize that direct observation may be a trigger for patients with a history of sexual trauma or go against cultural norms. Staff commit to working with patients to ensure the highest degree of respect and privacy throughout the process. Patients are asked to specify the gender of the staff member they are most comfortable with conducting the observation.
 - 3. Staff discuss alternative testing methods (e.g., saliva) with patients who do not wish or are unable to provide a urine sample.
 - C. Testing steps and chain of custody:
 - 1. [List agency-specific steps and chain of custody for each testing method (e.g., urine, saliva) employed at your agency]
 - D. Patient expectations
 - 1. [List all agency-specific patient expectations during the toxicology testing process]
- VI. Staff Training and Development: All practitioner staff authorized to conduct toxicology testing (e.g., SUD counselors, Licensed Practitioners of the Healing Arts [LPHA]) working at treatment sites participate in the following activities:
- A. Training upon hire, and minimally overview updates annually thereafter, on the toxicology policy and demonstrate understanding of its

requirements by attending an approved agency or Substance Abuse Prevention and Control (SAPC) training, including:

1. Privacy and confidentiality requirements
2. Safety and risk management
3. Best laboratory practices to ensure accurate results
4. Trauma-informed and culturally responsive testing procedures

VII. Communicating Test Results:

A. When a patient's test results come back **NEGATIVE** for all substances where a negative test is clinically anticipated:

1. The patient and their immediate treatment team are notified of the negative test result.

B. When a patient's test results come back with an **UNEXPECTED POSITIVE** or **PERTINENT NEGATIVE**:

1. The patient and their immediate treatment team are notified of the unexpected positive or pertinent negative test result.
2. In the case of an **UNEXPECTED POSITIVE** or **PERTINENT NEGATIVE** (such as a patient being treated with buprenorphine testing negative for buprenorphine), the treatment team can send the sample for confirmatory testing based on the clinical need to verify the validity of the result.
3. Confirmatory testing will be provided when requested by the patient at no cost to them.

C. When a patient's test results are **INCONCLUSIVE**:

1. The sample may be sent for secondary, confirmatory testing at no cost to the patient.
2. In cases where the sample was insufficient, altered, or contaminated, the patient may be asked to submit an additional sample for testing.

VIII. Managing Patients with UNEXPECTED POSITIVE Results:

A. The treatment team will make a clinical determination of the patient's current impairment due to substance use and ability to engage in treatment services that day.

1. Patients who lapse are not automatically transferred or discharged to emergency services, withdrawal management, or hospital settings unless the patient has medical and/or behavioral symptoms that necessitate these levels of care, as determined by qualified clinicians operating within their scope of practice.
2. When it is determined that the patient is functionally unable to participate in services or counseling due to the clinical features of intoxication, they will be provided a dedicated resting/sleeping area temporarily to facilitate improved staff monitoring when this supports the safety and comfort of the patient and other residents.
3. When it is determined that the patient is able to functionally participate in services or counseling, the patient will be connected with their counselor/treatment team to discuss the test results, the patient's goals, additional supports or services needed, and any necessary changes to the treatment plan.
 - a. Treatment staff acknowledge that SUD is a chronic and relapsing health condition that benefits from continued connections to services to facilitate achievement of personalized recovery goals.
 - b. These discussions are non-judgmental, non-punitive, and focused on engaging patients in ongoing services that help them meet their treatment goals, even if they are not yet ready to commit to complete abstinence.
 - c. Motivational Interviewing should be used to facilitate patient-oriented and individualized change throughout this process.
4. The patient will be offered harm reduction resources and/or supplies (naloxone, etc.), based on the clinical needs of the patient.

IX. Quality Control

- A. [Describe agency policy for ensuring testing accuracy and quality control]

X. Add other topic areas as needed, in appropriate order]

ATTACHMENTS

1. Patient Toxicology Agreement

2. [Include the titles of any additional documents referenced in your toxicology policy and attach below]

Patient Toxicology (Drug Testing) Agreement

Purpose

- Toxicology testing, or what you may know as drug testing or urinalysis, [is/may be] used by [agency name] to support your personalized substance use treatment plan and to help you talk with your counselor about any current substance use and triggers, your progress towards goals, and to connect you with harm reduction resources if needed. Testing is a clinical treatment tool, not a punishment.
- Choosing to test is encouraged and has clinical benefits, such as helping to tailor your treatment plan to your specific needs. If you test positive, this does NOT mean you will be automatically discharged but we will consider your other actions (refusal to participate, selling drugs, aggressive behaviors, etc.) in that decision.

Testing Process:

- [Agency name] follows a testing process that prioritizes safety, privacy, accuracy, respect, and patient-centered care.
- You are encouraged to openly discuss any substance use that might lead to a positive test result with your counselor before you start the testing process. This helps build a trusting and collaborative relationship.
- [Agency name] may test for:
 - [List substances tested for by agency]
- Testing will occur [outline agency policy for testing frequency in easy-to-understand language (e.g., 8th grade reading level)]
- You can expect the testing process to follow these steps:
 - [Outline agency general testing process/steps in easy-to-understand language (e.g., 8th grade reading level)]

Expectations

- When you agree (consent) to testing, you agree to follow all testing requirements and will not try to falsify or tamper with test samples. These include:
 - [List agency expectations in easy-to-understand language (e.g., 8th grade reading level)]

Results

- You will be told your test result when it is available.
- If you have a positive test, staff will talk to you about the results, your treatment goals, if you need new supports or services, and if you want to change your

treatment plan.

Your Rights

- You will only be tested after you voluntarily sign this Patient Toxicology Agreement.
- You have the right to change your mind at any time before sample collection starts.
- You can talk to your counselor or other staff about how refusing to test might affect you (your treatment goals, probation, court or social service requirements).

Confidentiality

- Your test results are private and will only be shared with you and your treatment team. If you want to share your test results with others such as your Social Worker, Probation Officer, or the court, you will need to sign a Release of Information Form first.
- Your privacy will be protected. We are required to follow certain confidentiality rules such as 42 CFR Part 2 and HIPAA if we talk about your care with others.

[Optional: Additional Topic Areas]

By signing below, you (the patient) confirm that you have read (or have had a staff member read you) and understand this Patient Toxicology Agreement. You are providing written consent to be tested according to [agency name] requirements and agree to abide by all testing guidelines and procedures.

Patient Name

Date

Patient Signature