

<b>DEPARTMENT:</b> Information Protection and Security	<b>POLICY DESCRIPTION:</b> Chain of Custody – Illegal Items/Substances
<b>PAGE:</b> 1 of 3	<b>REPLACES POLICY DATED:</b> 2/1/19
<b>EFFECTIVE DATE:</b> February 2, 2019	<b>REFERENCE NUMBER:</b> IP.PS.004
<b>APPROVED BY:</b> Ethics and Compliance Policy Committee	

<p><b>SCOPE:</b> All Company-affiliated facilities including, but not limited to, hospitals, free-standing emergency departments, ambulatory surgery centers, imaging and oncology centers, physician practices, shared services centers and corporate departments, Groups, Divisions and Markets (collectively “workforce”).</p>
<p><b>PURPOSE:</b> To establish guidelines for facility workforce to use in the collection and preservation of illegal items/substances found/acquired upon search on facility property.</p>
<p><b>POLICY:</b> To establish a framework for the receipt, secure storage, audit, release and disposition of illegal items and substances discovered within the facility.</p>
<p><b>DEFINITIONS:</b></p> <p><b>Illegal drug/substance-</b> Any schedule 1 controlled substance (<a href="#">DEA Drug Schedule</a> and attachment A) and/or any prescription medication without a valid prescription.</p> <p><b>Illegal Items</b> – May include, but not limited to, contraband such as: any type of weapon, flammable items, paraphernalia, and sharp objects.</p> <p><b>Schedule 1</b> drugs, substances, or chemicals are defined as drugs with no currently accepted medical use and a high potential for abuse. Schedule I drugs are the most dangerous drugs of all the drug schedules with potentially severe psychological or physical dependence. Some examples of Schedule I drugs are:</p> <p style="padding-left: 40px;">heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), 3,4-methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote</p>
<p><b>PROCEDURE:</b></p> <p>This policy cannot cover every incident in which illegal items/substances may be identified; however, it is the responsibility of designated facility workforce after notification to assess situations and act within the reasonable guidelines established within this policy. All persons entering the facility shall be subject to search as a condition of entry to the property.</p> <p>The facility will establish procedures to ensure a documented chain of custody of evidence of illegal items/substances that is turned over to law enforcement officials when the facility reports an event and when evidence is collected as a result of a criminal event that presents to the facility.</p> <p><b>Persons refusing search may be denied entry into the facility or may remove items from facility.</b></p>

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1. When workforce becomes aware of an illegal item/substance they should contact designated facility staff (e.g. security) and limit contact with the item/substance.
2. Designated facility staff should:
  - a. Contact local law enforcement to take possession of the illegal items/substances
  - b. Do not remove illegal items/ substances from location unless unsafe to keep in current location.
  - c. Upon relinquishing illegal substances to law enforcement, document using a chain of custody form (attachment B). The Chain of Custody form should be filed with Risk Management or the Security department per retention policy.
3. Illegal items/substances should not be disposed of by flushing down sinks/toilets, placed in sharps containers, or taken to the pharmacy. All illegal drugs/substances should be secured by designated facility workforce until law enforcement arrives.
4. If law enforcement refuses to take possession of the illegal items/substances please notify Security, Risk Manager and/or Administration/Nursing Supervisor for further actions. Disposing of personal items can carry liability risks.

**NOTE:**

***Duty to report/HIPAA Laws***

In addition to the policies linked below, this is an excerpt from the corporate Conditions for Admission form which all patients sign at the time of admission:

**12. Other Acknowledgements.**

b. **Weapons/Explosives/Drugs.** I understand and agree that if the hospital at any time believes there may be a weapon, explosive device, **illegal substance or drug**, or any alcoholic beverage in my room or with my belongings, the hospital may search my room and my belongings, confiscate any of the above items that are found, and dispose of them as appropriate, including delivery of any item to law enforcement authorities.

**REFERENCES:**

1. Bostwick JM, Reisfield GM, DuPont RL. Clinical Decisions: Medical Use of Marijuana. *N Engl J Med.* 2013;368:866-868. Published online February 20, 2013.
2. 21 U.S.C. § 812(b)(1) United States Code via Cornell University's Legal Information Institute. Retrieved on 2013-03-25.

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3. "Practitioner's Manual: Section II – General Requirements". Drug Enforcement Administration - Office of Diversion Control. <http://www.deadiversion.usdoj.gov/pubs/manuals/pract/section2.htm>. Retrieved 2013-03-25.
4. Uses and Disclosures for which an Authorization or Opportunity to Agree or Object is Not Required Policy - this policy covers the HIPAA provision to permissibly disclose PHI to avert a serious threat to health or safety.
5. Uses and Disclosures Required by Law Policy
6. [\\_DEA Drug Schedule](#)

## **Attachment A: The Use of Medicinal Marijuana in the Inpatient Setting**

The federal government considers the use or possession of marijuana for any purpose to be illegal. Contradictory to the federal statute prohibiting marijuana, several states have made marijuana legal for medical use.<sup>1</sup>

While these states have legislation in place regarding the legality of marijuana for both medicinal and recreational purposes, the federal government still considers the use or possession of marijuana for any purpose to be illegal.<sup>2</sup> The Controlled Substance Act defines the scheduling of chemical entities with safety concerns and potential risk for abuse. There are five federally established schedules for substances with abuse potential which are numbered I through V.<sup>2</sup> Scheduling is based on the substances potential for abuse as well as whether the substance has been proven to be a safe and effective medical treatment option. Schedule I is the highest level under federal law.<sup>3</sup> USC § 812 defines schedule I substances as those having a high potential for abuse.<sup>2</sup> Schedule I substances have no currently accepted medical use in treatment in the United States, and the substances lack accepted safety data for use under medical supervision.<sup>2</sup> Under USC § 812 the psychoactive substance tetrahydrocannabinol (THC) is listed as schedule I.<sup>2</sup> THC is the substance found in cannabis, commonly referred to as marijuana. Thus, the use or possession of marijuana is illegal for any purpose under USC § 812.<sup>2</sup>

Hospital DEA licensure prohibits any facility from prescribing, storing, dispensing or administering any schedule I substance that is not being used for institutional review board (IRB) approved research projects.<sup>3</sup> The hospital cannot store a patient's personal supply of any schedule I substance, including marijuana, in the facility at any point in time.



# Chain of Custody Form Illegal Items/Substances

Attachment B

**Full Name of individual searched:** \_\_\_\_\_

**Designated Facility Staff who observed Chain of Custody:** \_\_\_\_\_

**Collection**                      **Date:** \_\_\_\_\_                      **Time:** \_\_\_\_\_

- Illegal item               Illegal substance

**Items Found:**     Paraphernalia     Pills/Medication not labeled or another individual

Other: \_\_\_\_\_

**Items Collected/Released:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Item Identification (bag/ locker) & Location:** \_\_\_\_\_

**Law Enforcement notified:**                       Yes               No              **Date/ Time:** \_\_\_\_\_

**Law Enforcement agency:** \_\_\_\_\_                      **Report #** \_\_\_\_\_

**Officer Name (print):** \_\_\_\_\_                      **Badge #** \_\_\_\_\_

### CHAIN OF CUSTODY

1) **Items Released:** \_\_\_\_\_

**Released To:** \_\_\_\_\_                      **Date/Time:** \_\_\_\_\_

**Released By:** \_\_\_\_\_                      **Title:** \_\_\_\_\_

2) **Items Released:** \_\_\_\_\_

**Released To:** \_\_\_\_\_                      **Date/Time:** \_\_\_\_\_

Released By: \_\_\_\_\_

Title: \_\_\_\_\_

Officer refused items due to: \_\_\_\_\_

Name/Title of person completing form: \_\_\_\_\_

**Facility staff notified**

Security

Risk Management

Senior Leadership