

October 4, 2017

**INSURANCE INFORMATION NOTICE 2018-5**

**This notice rescinds and replaces the wording in  
INSURANCE INFORMATION NOTICE 2015-6**

**SUBJECT: Workers' Compensation Post-Accident Drug Testing Policy (PADT)**

Effective immediately, all state agencies will no longer be required to establish/maintain a separate post-accident drug testing policy. Instead, they are instructed to adopt the following language into their existing Drug Free Workplace and/or Drug Testing Policy:

**Post-Accident/Incident:** Any employee directly involved in an on-duty accident or incident, and whose action or inaction may have been a causative factor of same, shall be required to immediately submit to drug and alcohol testing if:

- a) Reasonable Suspicion: Circumstances give rise to a reasonable suspicion of the employee's drug or alcohol use or impairment; or
- b) Fatality: The accident or incident resulted in a fatality; or
- c) Hazardous Materials Release: The accident or incident resulted in or caused the release of hazardous waste as defined in La. R.S. 30:2173(2) or hazardous materials as defined in La. R.S. 32:1502(5).

**NOTE:** Employees should be aware of the legal presumption of impairment under La. R.S. 23:1081 if an employee refuses, after being so directed, to submit to drug or alcohol testing as a result of an on-duty accident or incident. As a consequence of such refusal, benefits under the workers' compensation laws of the State of Louisiana may be denied.

The mandatory requirement to provide drug and alcohol testing after **any** accident/incident **NOT** outlined in a), b), or c) above has been rescinded.

Regarding all loss prevention audits/CRs for the current fiscal year (FY18), all PADT-related questions have been inactivated and will not affect an agency's score.

Both the Loss Prevention manual and the PADT questions for FY19 will be revised to reflect the new requirements outlined above.

For any other issues pertaining to Post Accident Drug Testing, please contact Karen Jackson at: (225) 342-7390.