

THE UNIVERSITY of TENNESSEE 
INSTITUTE for PUBLIC SERVICE

COUNTY TECHNICAL ASSISTANCE SERVICE

March 24, 2016

Andrew J. Reed
President, Tennessee Ambulance Service Association
Director, Union County EMS/EMA
211 Mulberry Ave
Maynardville, TN 37807

Dear Director Reed,

This letter is a follow-up to our phone conversation and email thread regarding random drug testing of emergency medical services (EMS) employees. As you are aware the Tennessee State EMS Rule 1200-12-01-.14 9-C-3 license renewal rule states: "EMS services must show documented proof of annual mandatory random drug screening for employees." This rule has raised concern from government based ambulance services and human resource offices. In particular, the issue concerning the constitutionality of random drug testing.

The courts have ruled that random drug testing is allowed for employees in positions that perform duties "fraught with such risks of injury to others that even a momentary lapse of attention can have disastrous consequences." Often this is referred to as "Safety Sensitive Positions." It is the opinion of CTAS that EMS employees such as paramedics and emergency medical technicians performing patient care and transport meet the criteria above for safety sensitive positions. Normal duties such as operating emergency vehicles, administering patient medications that must be calculated, and other invasive/ non-invasive procedures could have disastrous consequences if not performed correctly. Random drug testing would not be applicable to support staff employees due to the fact that they do not meet this criteria.

The question was also raised regarding whether a county could have a random drug policy for the EMS department, when it does not have the same policy for all county departments. This is allowed and most likely is already in practice regarding other personnel policies. An example would be different calculations of sick and vacation leave for fire, law enforcement, and EMS employees that traditionally work shifts longer than the traditional eight hours per day or in excess of forty hour weeks. Another example is the drug testing requirement for any employee required to hold a commercial driver's license (CDL).

I hope this clarifies this issue. If I can be of any further assistance to you, please contact me.

Sincerely,



Kevin Lauer
Fire and Emergency Services Management Consultant