



2026 BIENNIAL REVIEW

OF THE

MIDDLE TENNESSEE SCHOOL OF ANESTHESIA

DRUG & ALCOHOL PROGRAM

COMPLETED BY THE MTSA BIENNIAL REVIEW TASK FORCE

SEPTEMBER

2026

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Drug-Free Schools and Campuses Regulations [EDGAR Part 86] Alcohol and Other Drug Prevention Certification

Middle Tennessee School of Anesthesia (MTSA) certifies that it has adopted and implemented a drug and alcohol abuse prevention program for students and employees in accordance with the Drug-Free Schools and Campuses Regulations, EDGAR Part 86.

MTSA annually distributes written notification to students and employees regarding:

- Standards of conduct prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol;
- Applicable legal sanctions under federal, state, and local law;
- Health risks associated with alcohol and other drug abuse;
- Available counseling, treatment, rehabilitation, and re-entry resources; and
- Institutional disciplinary sanctions for violations of MTSA policy.

This 2026 Biennial Review evaluates the effectiveness of MTSA's Drug and Alcohol Abuse Prevention Program for academic years 2024–2025 and 2025–2026 and reviews whether disciplinary sanctions for violations of institutional standards of conduct were enforced consistently.

Approved by: _____

Title: _____

Date: _____

[Signature]
October 1, 2026

President

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INTRODUCTION TO THE MIDDLE TENNESSEE SCHOOL OF ANESTHESIA

Middle Tennessee School of Anesthesia (MTSA) is a Christian non-residential graduate school located in Madison, Tennessee. MTSA is the only independent, accredited anesthesia institution of its kind in the nation. Its mission is to provide a Christian, Seventh-day Adventist learning environment that fosters the pursuit of truth, excellence in and access to graduate nurse anesthesia education, and a life of service.

MTSA is a leader in academic, clinical, and professional distinction enrolling around 300 students. It is a single purpose institution with a focus in graduate nurse anesthesia education currently offering one degree with two routes of entry. Offerings include a doctoral degree for nurses with their bachelor's degree, a doctoral completion for students with their master's degree, and an Acute Surgical Pain Management Fellowship. The school has educated scores of health-care professionals and is well renowned in the field of Nurse Anesthesia. MTSA is committed to maintaining an educational and employment environment that is safe, healthy, professional, and consistent with its mission as a graduate health professions institution. Because MTSA prepares nurse anesthesia students for advanced clinical practice and patient-care responsibilities, the School maintains heightened expectations related to professional conduct, clinical judgment, fitness for duty, and freedom from impairment.

MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs and alcohol on the MTSA campus, and any contingent site, or on the campus of any clinical affiliate site.

This 2026 Biennial Review documents MTSA's review of its Drug and Alcohol Abuse Prevention Program for academic years 2024–2025 and 2025–2026.

INTRODUCTION TO THE BIENNIAL REVIEW AND REGULATORY BACKGROUND

The Drug-Free Schools and Campuses Regulations, codified at EDGAR Part 86, require institutions of higher education receiving federal assistance to certify that they have adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on school premises or as part of the institutional activities.

As part of this requirement, institutions must conduct a biennial review of their drug and alcohol abuse prevention program to:

1. Determine the effectiveness of the program and implement changes to the Drug and Alcohol Program and Policies, if they are needed, and
2. Ensure that disciplinary sanctions for violating standards of conduct are enforced consistently.

The biennial review must also include a determination as to:

1. The number of alcohol and drug-related violations and fatalities occurring on the campus or as part of the activities that are reported to campus officials.
2. The number and types of sanctions the Institution of Higher Education (IHE) imposes on students or employees as a result of such violations or fatalities.

These standards apply to all members of the campus community. Creating a program that complies with the regulations requires an IHE to do the following:

1. Prepare a written policy on alcohol and other drugs.
2. Notify each employee and staff member of the policy in writing every year, including standards of conduct; a description of sanctions for violations at the federal, state, local and campus levels a description of the health risks associated with Alcohol and Other Drug (AOD) use; and a description of available treatment programs.
3. Develop a sound and consistent method for distribution of the policy, and any changes made to the policy thereafter, to every student and IHE staff member each year.
4. Prepare a biennial report on the effectiveness of its AOD programs and the consistency of policy enforcement.

BIENNIAL REVIEW TASK FORCE MEMBERS

The 2026 Biennial Review was prepared by a task force appointed by MTSA's Nurse Anesthesia Practice Council (NAPC) to review institutional policies, annual notifications, incident data, disciplinary practices, and prior recommendations related to MTSA's Drug and Alcohol Abuse Prevention Program.

Task Force members included:

- **Jennifer Speer, BS** – Director of Financial Aid
- **Michele Medeiros Gravois, DNAP, CRNA, APRN, CHSE** – Assistant Program Administrator, Practice Doctorate Program
- **Jessica Creason, MA** – Registrar and Director of Academic Coaching
- **Jean Baron-White** – Executive Administrative Assistant and Administrative Campus Safety Officer
- **Asia Byers, MBA, M.Ed.** – Director, Human Resources

GOALS OF THE TASK FORCE

- Evaluate the current AOD prevention efforts and identify any changes to AOD policies.
- List findings.
- Determine if there needs to be an enhancement of education efforts.
- Evaluate previous recommendations.
- Determine if there are new measures to add and the effectiveness of the Drug and Alcohol program.
- Make recommendations to the Administration.
- Prepare the 2026 biennial report as required by federal law (34 CFR Part 86).

BIENNIAL REVIEW PROCESS

The Biennial Review process included review of the following internal documents:

- institutional policies related to drug and alcohol use, testing, conduct, workplace expectations, hazing prevention, clinical performance, communication, and records retention;
- the Administrative Manual;
- the Student Handbooks;
- the Employee Handbook ;
- annual notification and policy distribution practices;
- records of policy revisions and approvals;

- reported drug- and alcohol-related incidents, if any;
- Red Card events and related drug testing records, if applicable; and disciplinary sanctions and outcomes, where applicable

The purpose of this process was to assess whether MTSA's policies and practices remain current, whether required information is distributed annually, whether available procedures support safety and compliance, and whether sanctions are applied in a consistent manner.

Current and prior biennial review reports are maintained by MTSA administration and should be retained in accordance with MTSA's Record Management & Retention expectations.

SCOPE OF PROGRAM REVIEW

This review covers the following primary compliance areas:

1. **Annual distribution of required drug and alcohol information** to students and employees;
2. **Policy sufficiency and currency**, including institutional standards of conduct, drug testing procedures, workplace expectations, and clinical fitness-for-duty standards;
3. **Availability of health risk information and assistance resources**;
4. **Reported violations, Critical Incident/Red Card events, drug testing, and sanctions** during the review period;
5. **Consistency of enforcement** under applicable policies; and
6. **Record retention and documentation practices** related to EDGAR Part 86 compliance.

Because MTSA students participate in clinical education involving patient care, medication administration, controlled substances, and professional judgment, this review also considers institutional processes related to clinical safety concerns, impairment, and for-cause drug or alcohol testing.

DESCRIPTION OF THE DRUG AND ALCOHOL PROGRAM ELEMENTS

MTSA's Drug and Alcohol Abuse Prevention Program consists of multiple integrated elements designed to support student health, employee safety, patient safety, institutional compliance, and professional accountability. MTSA has a strict drug and alcohol-free policy for its campus community in its academic environment. Employees and students can seek confidential off-campus help with substance abuse if they self-identify.

1. High admissions and academic standards - students are interviewed and evaluated prior to their admittance into the program, background checks of students and letters of recommendation are required.
2. High academic standards of progression through the program are enforced.
3. Students admitted to MTSA's degree and certificate-seeking programs are apprised of their student handbook and sign an enrollment agreement that they have read the Drug and Alcohol Policy and agree to abide by the policies and procedures.
4. MTSA follows the 5.4.109 Practice Doctorate Program Student Drug Testing policy.
5. Faculty Advising Program – Students are appointed a faculty advisor upon enrollment. Students are required to meet with their faculty advisors at least once each semester.
6. DNAP Practice Doctorate students and employees are required to fulfill community service hours, which is a part of the MTSA life of service mission.
7. A school 24-hour access fitness room is provided to students and employees to encourage students' wellness, as a preventative factor against drug and alcohol use.
8. The DNAP students receive training on drugs and alcohol as a part of the curriculum from faculty.
9. The goal of the School Life and Wellness Committee is to support the MTSA Vision and Core Values, which include a wholistic approach to education, healthcare and a balanced lifestyle, along with the development of a life of service. The School Life and Wellness Committee may disseminate information and resources related to the interrelated dimensions of wellness. The committee includes students and staff representatives. Many of the topics covered can act as preventative factors to alcohol and drug use.
10. Employees are required to participate in annual online training, which includes drug and alcohol prevention.
11. MTSA maintains a relationship with local law enforcement to support student and staff safety.

12. Students and employees have access to resources named in their Drug and Alcohol policies, which are emailed annually as a part of the Consumer Information Annual Disclosure and located in their respective student/employee handbooks.
13. Students and staff can also meet with the Program Director/Human Resources Director to receive confidential guidance and referral to additional resources as necessary.
14. The Drug and Alcohol Statement, which links to the Drug-Free Workplace Policy, contained within the employee handbook, is reviewed during new employee orientation, with employees attesting to having read the handbook.

MTSA POLICY INVENTORY

MTSA is committed to providing a safe environment for all employees and students. MTSA policies identified as related to drug and alcohol prevention are listed below:

Policy Number	Policy / Document Title
3.2.404	Drug-Free Workplace & Substance Abuse
Employee Handbook	Drug-Free Workplace / Substance Abuse Statement
3.3.121	Stop Campus Hazing Act Policy
5.1.111	Student Drug & Alcohol Policy
5.1.114	Student Standards of Conduct
5.4.103	Policy of MTSA Clinical Standards
5.4.109	Student Drug Testing Policy
5.4.102	Clinical Evaluation of Students
Student Handbook	Student Advisement

Task Force members recommended a review of the AOD policies and any updates to be included in Appendix B.

Any recommendations for policy changes related to students and employees are taken for approval to the Administrative Councils (NAPC and President's Council, respectively). The MTSA Board of Trustees has final authority for the approval of both student and employee policies related to drugs and alcohol.

DRUG VIOLATIONS REPORT FOR 2024-2025

The Annual Security Report (ASR) is released by October 1 to the MTSA campus community. Below are the drug and alcohol related statistics, as required by the Clery Act, found in the 2025 ASR for the years 2024-2025

Clery Report	On Campus	Public Property	Unfounded
Disciplinary Action - Drug Law Violation	0	0	0
Disciplinary Action - Liquor Law Violation	0	0	0
Arrests - Drug Law Violation	0	0	0
Arrests - Liquor Law Violation	0	0	0

DRUG AND ALCOHOL NOTIFICATION ELEMENTS

MTSA strives to remain in compliance in its annual drug and alcohol notification as required by the Drug-Free Schools and Communities Act. The annual notification includes, or is intended to include the following required elements:

1. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.
2. A list of applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol.
3. A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
4. A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students.
5. A clear statement that the IHE will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

MTSA annually emails the Student Drug and Alcohol Policy to its students (by the Financial Aid Office), and the Drug Free Workplace Policy to employees (by the HR Director), by October, to satisfy the annual notification regulation.

- The drug and alcohol policies reside in the respective Student and Employee Handbooks. The Student Drug and Alcohol policy can be found on the School's website on the Consumer Information page <https://www.mtsa.edu/explore->

mtsa/consumer-information/, and in each cohort's student handbook. All student policies are provided to new students at orientation.

- New employees are required to review the Drug and Alcohol Statement, which is included in the Employee Handbook, as a part of new hire orientation.

AOD PROGRAM STRENGTHS

MTSA's Drug and Alcohol Abuse Prevention Program incorporates several components aimed at enhancing student wellness, preserving employee and patient safety, maintaining compliance, and promoting professional conduct.

1. Drug & Alcohol-Free Environment

MTSA offers a substance-free environment and offers drug and alcohol-free campus opportunities both on and off campus.

2. Student Drug Testing Policy

MTSA has a student drug testing policy in place.

3. Academic Coaching

Students are encouraged to meet with an Academic Coach throughout their time at MTSA. The Academic Coach meets with students individually to discuss topics that will help students academically, as well as topics related to student wellness, such as school- life balance, support systems, and selfcare.

4. Annual Staff Training

All employees complete an annual online substance abuse training.

5. School Life & Wellness Committee

The MTSA School Life and Wellness Committee supports students with various interrelated dimensions of wellness (i.e.physical, mental, financial, spiritual, academic, community, and safety).

6. Policy Review & Updates

The Task Force concluded that the following policy updates strengthen MTSA's overall prevention framework and better align institutional expectations with the school's clinical mission, student safety responsibilities, employee obligations, and federal compliance expectations.

a. Policy 5.1.111, Student Drug & Alcohol Policy

Updated to clarify medication disclosure requirements and to emphasize that drug and alcohol use is prohibited

b. Policy 5.4.109, Student Drug Testing Policy

Updated to clarify pre-enrollment positive results, expand the reasoning for for-cause drug screens

c. Policy 5.4.103, Policy of MTSA Clinical Standards

Revised to reinforce fitness-for-duty expectations.

d. Policy 3.3.121, Stop Campus Hazing Act Policy

New policy added to prohibit hazing, including conduct involving forced or coerced substance use.

7. Clinical Safety and Fitness-for-Duty Expectations

Because MTSA students are preparing for advanced clinical practice in anesthesia, institutional policies place strong emphasis on safe clinical performance, professional judgment, and freedom from impairment.

Students are expected to meet fitness-for-duty standards in academic, simulation, laboratory, and clinical settings. Concerns related to impairment, erratic behavior, unsafe clinical performance, behavior outbursts, or other indicators of possible substance-related impairment may be reviewed under applicable MTSA policies.

8. Drug Testing Procedures

MTSA maintains procedures for required and for-cause drug testing under specified circumstances. Student Drug Testing Policy 5.4.109 addresses testing expectations.

9. Special Card System

MTSA uses a Special Card System (5.4.102) and [MTSA Clinical Safety Concerns Protocol](#) to identify students who demonstrate behaviors which do cause elevated and unnecessary risk.

To receive a Red card is serious. Any student receiving a Red card will be required to complete a drug screen within 24 hours of the school receiving notice of the Red card. Red cards can lead to probation, suspension, removal from clinical site, failure of rotation, or termination from the program.

All cards will become part of the student's permanent file. The Progressions Committee will consider clinical performance (formative and summative), and any cards received to make the final decision relative to any action regarding clinical performance. Should it be determined that there may be a negative decision by the

Progressions Committee (e.g., probation or termination), the student will be offered the opportunity to discuss his performance with the Progressions Committee, prior to any decision.

10. Education and Communication

Students and employees are provided written information regarding institutional expectations, policy updates, health risks, assistance resources, and prevention-related requirements. Annual notification is a central element of this educational effort.

Drug and alcohol education is integrated into the curriculum, including structured initiatives: the AANA RRNA Wellness Ambassador Micro-credentialing course and an educational presentation titled *"Catch Me If You Can: The Impaired Provider,"* delivered by the Parkdale Center for Professionals.

11. New Program Director

A new program director brings fresh perspective, updated knowledge of evidence-based prevention strategies, and renewed energy to program leadership. This can revitalize program culture, improve staff morale, and introduce innovative approaches to student outreach and engagement.

12. Updated Student Advising Process

All student advising is now conducted by on-campus faculty. This improvement creates more structured touchpoints between students and advisors, increasing opportunities to identify at-risk behaviors early. Advisors can integrate prevention messaging into routine conversations, making intervention more proactive than reactive.

13. Community Service Requirement

Community service is a requirement and evaluated event in the DREL 810. Community service builds prosocial connections and a sense of purpose, both protective factors against substance use. Students engaged in meaningful service develop stronger community ties, accountability, and a positive identity outside of substance-related social contexts.

14. New Exercise Equipment in School Gym

Physical activity is a well-documented protective factor against substance use. Improved gym resources encourage healthy coping mechanisms, stress reduction,

and peer bonding through fitness, all of which reduce vulnerability to alcohol and drug use.

15. Additional Licensed Counselor with Multi-Location Access

Expanding counseling access, especially to an adjacent campus, directly reduces barriers to help-seeking. Students who might not seek services due to distance, stigma, or scheduling conflicts now have more accessible, confidential support, improving early intervention outcomes.

PROGRAM FINDINGS

The Task Force evaluated the effectiveness of MTSA's Drug and Alcohol Abuse Prevention Program by reviewing policy currency, annual notification practices, student and employee communication methods, drug testing procedures, incident documentation, and prior recommendations.

Based on the review of policies, records, and practices, the Task Force identified the following findings:

1. MTSA maintains a current employee-facing substance abuse framework through **Policy 3.2.404, Drug-Free Workplace & Substance Abuse**.
2. Relevant institutional policies governing drug and alcohol prevention, conduct, testing, communication, records retention, and clinical safety are in place and have undergone meaningful updates during the review cycle.
3. MTSA's student-facing alcohol and drug policies were updated in 2026 to clarify medication disclosure requirements.
4. MTSA's Student Drug Testing Policy now more clearly addresses pre-enrollment positive tests, expanded for-cause testing rationale, and current product advisories.
6. MTSA benefits from a strong clinical safety culture but should continue reviewing procedures that distinguish clinical safety concerns and circumstances warranting for-cause testing.
7. As recommended in the 2024 Review, the 2024 Biennial Review was made available on the MTSA website to enhance accessibility and support compliance with EDGAR Part 86. Upon approval, the 2026 Biennial Review will supersede the 2024 report as the current published version. Website location: <https://www.mtsa.edu/compliance-security/>

PROGRAM EFFECTIVENESS

For the 2024–2025 and 2025–2026 academic years, MTSA identified no reported drug- or alcohol-related violations or fatalities occurring on campus or as part of MTSA activities that were reported to campus officials. Accordingly, no disciplinary sanctions were imposed for drug- or alcohol-related violations during the review period.

The Task Force determined that MTSA’s program remains effective to date in establishing expectations for students and employees, supporting a safe academic and clinical environment, and maintaining a framework for compliance with EDGAR Part 86. The institution’s policy revisions since the prior review cycle have strengthened this framework.

The review also identified areas where effectiveness can be improved through stronger documentation, clearer operational protocols, standardized resource listing, and centralized record retention.

SUMMARY AND RECOMMENDATIONS

Summary

MTSA is a small, single-purpose Christian graduate school whose student population consists of nurses who have worked in critical care settings. The task force members, after considering the program elements, currently deem the MTSA Drug and Alcohol program effective. Because MTSA is a small campus community, any change in behavior, hygiene or attitude in a student or staff member can easily be recognized and taken seriously. MTSA recognizes prevention and intervention are key in addressing substance abuse.

Recommendations

1. Add the Chair of the School Life and Wellness Committee to the Biennial Review Task Force

For future biennial review cycles, MTSA should include the Chair of the School Life and Wellness Committee as a standing member of the Biennial Review Task Force. This addition will ensure that institutional wellness initiatives, student support trends, and prevention-focused activities are represented in the review of MTSA’s Drug and Alcohol Abuse Prevention Program.

2. Add a Representative from the Clinical Education Team to the Task Force

MTSA should include a representative from the Clinical Education Team on the Biennial Review Task Force to provide perspective on clinical education environments, clinical attendance expectations, site-related concerns, and any trends related to student readiness, impairment concerns, or professional conduct in clinical settings.

3. Authorize next Review

In support of the safety and health of its students and employees and pursuant to its obligation to conduct a biennial review of its drug and alcohol abuse program, MTSA NAP Council should authorize its next review in 2028.

Appendices

Appendix A: Student Red Card and Drug Test Data

Appendix B: Policy Inventory

Appendix C: EDGAR Part 86 Contents and Subparts A – General, B, and D

Appendix D: Excerpts from the Program Participation Agreement

Appendix E: Sources

APPENDIX A: Red Card Inventory

Red Card/Drug Test Data		
Date	Student Red Card	Drug Test Result
1/20/2020	X	Negative
6/15/2020	X	Negative
4/20/2021	X	Negative
8/4/2022	X	No Test
2023	NO RED CARDS	N/A
2024	NO RED CARDS	N/A
2025	NO RED CARDS	N/A

APPENDIX B: Policy Inventory

Policy Number	Policy / Document Title
3.2.404	Drug-Free Workplace & Substance Abuse
Employee Handbook	Drug-Free Workplace / Substance Abuse Statement
3.3.121	Stop Campus Hazing Act Policy
5.1.111	Student Drug & Alcohol Policy
5.1.114	Student Standards of Conduct
5.4.103	Policy of MTSA Clinical Standards
5.4.109	Student Drug Testing Policy
5.4.102	Clinical Evaluation of Students
Student Handbook	Student Advisement

Drug Free Workplace and Substance Abuse

Policy Number	3.2.404
Date	09/24/2024
Reviewed	09/2024
Revised	New 9/2024 BOT approved 11/18/2024
Locations	Administrative Manual Employee Handbook

Standards of Conduct and Purpose

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 and the Drug-Free Workplace Act of 1988, MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs, alcohol, and tobacco on the MTSA campus, any school-owned vehicle, at any school-sponsored activity or event, or on any campus of any affiliate site. Alcohol and drug misuse poses a threat to the health and safety of MTSA employees and the security of the School's equipment and facilities. For these reasons, MTSA is committed to eliminating drug and alcohol use and misuse in the workplace.

MTSA will notify employees of its Drug Free Workplace and Substance Abuse policy and drug awareness program annually. MTSA will also perform a biennial review of its program and retain the records of that review in accordance with the Department of Education's requirements.

Scope

This policy applies to all employees of MTSA. The Office of Human Resources (HR) is responsible for policy administration.

Health Risks

As part of the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act of 1989, MTSA is required to inform all students, staff, and faculty of the health risks associated with the use of illicit drugs and the abuse of alcohol. MTSA recognizes that substance use disorders of any sort are a major health problem.

Alcohol and other drugs are associated with many health risks. The use and abuse of alcohol and other drugs may have negative effects on one's work performance and personal relationships. Some common health risks are addiction; damage to liver, heart, and to a developing fetus; accidents as a result of impaired judgment; and unwanted sexual activity that could result in sexual assault or sexually transmitted infections.

For more information about the health risks associated with particular types of drugs and alcohol, please visit the National Institute on Drug Abuse's page, [Commonly Abused Drugs Charts](#).

Employee Assistance

MTSA will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline or termination under this or other MTSA policies. Such employees will be allowed to use accrued paid time off, be placed on leave

of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold safety-sensitive jobs, require driving, or have previously violated this policy. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment and will face possible discipline, up to and including termination.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effects on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to the Office of Human Resources.

Work Rules

1. Whenever employees are working, operating any MTSA vehicle, present on MTSA premises, or conducting MTSA-related work offsite, they are prohibited from:

- Using, possessing, buying, selling, manufacturing, or dispensing illegal drugs (including possession of drug paraphernalia).
- Being under the influence of alcohol or illegal drugs as defined in this policy.
- Possessing or consuming alcohol.

2. The presence of any detectable amount of illegal drugs, controlled substances, or alcohol in an employee's body while performing MTSA business or while in a MTSA facility is prohibited.

3. MTSA will also not allow employees to perform their duties while taking prescribed drugs that adversely affect their ability to perform their job duties safely and effectively. Employees taking prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.

4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Reasonable Suspicion

Employees are subject to testing based on observations of apparent workplace use, possession, or impairment by at least one member of administration and the supervisor. The Office of Human Resources should be consulted before sending an employee for testing. The reasonable suspicion observation checklist must be used to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol.

Examples include:

- Odors (smell of alcohol, body odor, or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted, or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused, or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both the supervisor and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive drug test result and will result in immediate termination of employment.

Under no circumstances is an employee allowed to drive themselves to the testing facility. A member of administration or HR must either transport the employee directly or arrange for a cab and ensure that the employee is safely transported home.

Post-Accident

Employees are subject to testing when they cause or contribute to accidents that seriously damage a MTSA vehicle, machinery, equipment, or property, or result in an injury to themselves or another employee requiring offsite medical attention. A circumstance that constitutes probable belief will be presumed to arise in any instance involving a work-related accident or injury where an employee operating a motorized vehicle is found responsible for causing the accident. In these instances, the investigation and subsequent testing must occur within two hours following the accident, if not sooner. Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

Collection & Testing Procedures

When it is suspected that an individual is under the influence of substances or may be abusing substances, the following protocol must be followed: When the MTSA representative meets the suspected individual for the first time after an allegation, the representative must ensure that the suspected individual is not left unsupervised while on campus. The suspected individual must be transported to the drug testing facility. Once at the facility, the suspected individual is then supervised by the collection facility's personnel. Under no circumstances should a suspected individual be allowed to drive a vehicle at this point.

The first specimen collected by the facility will be unobserved by a witness (per the protocol of the specimen collection facility), giving the suspected individual the benefit of the doubt. If the personnel at the specimen collection facility determine that the first specimen submitted is not within normal limits (i.e., is "too hot" or "too cold") and they suspect it may have been tampered with or altered, a second specimen must be collected and witnessed.

After specimen collection, the suspected individual should be transported home, either by MTSA personnel or a taxi. If a taxi is utilized, the cost will be the responsibility of the suspected individual. By ensuring that the suspected individual did not drive but was transported safely home, MTSA has fulfilled its duty to protect the individual's safety and that of others. Even after ensuring the suspected individual has been safely transported home, they should be advised not to drive until at least 24 hours have passed or the results of the analysis are known. If the suspected individual refuses transportation arrangements provided by MTSA, the Executive Administration reserves the right to notify the proper authorities of the potential risk to the general public and could subject the individual to termination.

It will take at least 24 hours for initial specimen analysis and the return of results to the specimen collection facility. Per the specimen collection facility procedures, if a Medical Review Officer needs to be consulted regarding the results, this will occur before the return of official results to the specimen collection facility and may take a few days. After the specimen collection facility receives the final results, they will contact the MTSA Office of Human Resources to report the results.

The suspected individual may not return to work until the specimen results are known. If the specimen is negative AND no Medical Review was needed, the employee should be allowed to return to work without further action taken or loss of clock hours.

MTSA Sanctions for Employees

Consequences

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense illegal drugs in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the employee will be subject to discipline up to and including termination. Whether such an employee is offered a last-chance basis to maintain their job depends on the circumstances and the employee's work history/record.

Employees will be paid for reasonable time spent in alcohol/drug testing and then suspended pending the results of the test. After the results are received, a meeting will be scheduled to discuss the results, including a member of administration and one from the Office of Human Resources. If the results are negative, the employee will receive back pay for the work hours/days of suspension.

Inspections

MTSA reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband. All employees, faculty, and visitors may be asked to cooperate in inspections of their persons, work areas, and property that might conceal drugs, alcohol, or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including termination.

All employees consent to and agree to inspections of themselves, their vehicles, lockers, and personal property brought onto MTSA property that might conceal alcohol, drugs, or other inappropriate materials.

Crimes Involving Drugs

MTSA prohibits all employees from manufacturing, distributing, dispensing, possessing, or using illegal drugs on MTSA premises or while conducting School business. MTSA employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

MTSA does not desire to intrude into the private lives of its employees but recognizes that employees' off-the-job involvement with drugs and alcohol may impact the workplace. Therefore, MTSA reserves the right to take appropriate disciplinary action for drug use, sale, or distribution while off MTSA premises. All employees convicted of, pleading guilty to, or sentenced for an illegal drug crime must report the conviction, plea, or sentence to the Office of Human Resources within four business days. Failure to comply will result in automatic termination. Cooperation in complying may result in suspension without pay to allow Executive Administration to review the nature of the charges and the employee's past record with the organization.

Legal Sanctions Under State and Federal Law

The following is a summary of Tennessee and federal sanctions for the unlawful use of controlled substances and alcohol. While the summary is a good faith effort to provide information, MTSA does not guarantee that it is error-free or exhaustive.

Under state law, it is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of their employment and over the age of 18), or consume alcoholic beverages, including wine or beer. It is also unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under twenty-one years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days, or a fine of not more than \$2,500, or both. (T.C.A. §§ 1-3-113, 39-15-404, 57-5-301.) The offense of public intoxication is a Class C Misdemeanor punishable by 11 hours of community service, possible revocation of driver's license, imprisonment of not more than thirty days or a fine of not more than \$50, or both. (T.C.A. § 39-17-310.) Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of 1/2 oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over twenty-one years of age to a person under twenty-one, and the older person is at least two years older than the younger, and the older person knows that the younger is under twenty-one years of age, then the offense is classified as a felony. Possession of more than 1/2 oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. (T.C.A. §§ 39-17-417, 39-17-418; 21 U.S.C. § 801, et seq.)

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

State penalties for possession of substantial quantities of a controlled substance or for manufacturing or distribution range up to a maximum of fifteen to sixty years of imprisonment and a \$500,000 fine. (Title 39, T.C.A., Chapter 17.) For example, possession of more than twenty-six grams of cocaine is punishable by eight to thirty years of imprisonment and a \$200,000 fine for the first offense.

The state may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

United States Penalties and Sanctions for Illegal Possession of a Controlled Substance:

21 U.S.C. 844(a)

- First conviction: Up to one year imprisonment and fine of at least \$1,000.
- After one prior drug conviction: At least fifteen days in prison, not to exceed two years, and fine of at least \$2,500.
- After two or more prior drug convictions: At least ninety days in prison, not to exceed three years, and a fine of at least \$5,000.

21 U.S.C. §§ 853(a)(2) and 881(a)(7)

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment.

21 U.S.C. § 881(a)(4)

- Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. [An automobile may be impounded in cases involving any controlled substance in any amount.]

21 U.S.C. § 844a

- Any individual who knowingly possesses a controlled substance in a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

21 U.S.C. § 862

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922(g)

- Ineligibility to receive or purchase a firearm or ammunition.

Confidentiality

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

Resources

- Human Resources - (615) 732-7854
- Employee Assistance Program (EAP) - (800) 964-3577
- Tennessee REDLINE (Substance Abuse Referral Hotline) - (800) 889-9789
- Narcotics Anonymous - (800) 945-4673

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- Alcoholics Anonymous (Middle Tennessee Central Office) - (615) 973-9898

Definitions

"MTSA premises" includes all buildings, offices, facilities, grounds, parking lots, clinical sites, places and vehicles owned, leased or managed by MTSA or any site on which the institution is conducting business.

"Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.

"Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

DRUG & ALCOHOL STATEMENT

Middle Tennessee School of Anesthesia has a longstanding commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees, students, and to the security of our equipment and facilities. For these reasons, MTSA is committed to the elimination of drug and/or alcohol use and abuse in the workplace and complies with The Drug Free Workplace Act of 1988 and The Drug Free Schools and Communities Act of 1989.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment to MTSA. The Director of Human Resources is responsible for policy administration.

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol problems is available from the Office of Human Resources.

When possible, Middle Tennessee School of Anesthesia will assist and support any employee who voluntarily seeks help for such problems before becoming subject to discipline and/or termination under this or other policies. Employees may be allowed to use accrued paid time off, placed on a leave of absence, referred to treatment providers, and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications and alcohol. Employees must, however, consult with their doctors about any medication's effect on their fitness for duty and ability to work safely, and must promptly disclose any work restrictions to their supervisors. Employees should not, however, disclose underlying medical conditions unless directed to do so.

The prohibited use of alcohol or illegal drugs in the workplace includes but is not limited to:

- Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia);
- Being under the influence of alcohol while on duty or an illegal drug as defined in this policy;
- The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing school business or while in an MTSA facility is prohibited;
- MTSA will not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

CONSEQUENCES

Applicants who refuse to cooperate in a drug test or who test positive will not be hired. Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the employee will be subject discipline up to and including termination. Whether such employee is offered a last-chance basis to maintain their job is dependent on the circumstances and the employee's work history/record.

Employees will be paid for reasonable time spent in alcohol/ drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and one from Human Resources. If the results prove to be negative, the employee will receive back pay for the work hours/days of suspension.

CONFIDENTIALITY

Information and records relating to test results, drug and alcohol dependencies, and legitimate medical explanations will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

For additional information on drug laws with a list of controlled substances defined by federal and state law, substance abuse resources, and legal and institution sanctions see [Drug Free Workplace and Substance Abuse](#), which are annually disclosed to personnel.

Stop Campus Hazing Act

Policy Number: 3.3.121

Purpose

To prevent hazing and ensure a safe and respectful campus environment, in alignment with the federal Stop Campus Hazing Act, Tennessee's Tyler Head Law, and institutional values.

Scope

This policy applies to all students, faculty, staff, and affiliated organizations at Middle Tennessee School of Anesthesia.

Definition

Hazing is any act committed as part of an initiation, admission, affiliation, or continued membership in a group or organization that:

- Endangers the mental or physical health or safety of an individual;
- Humiliates, intimidates, demeans, or causes psychological harm;
- Coerces participation in activities regardless of an individual's willingness;
- Violates institutional rules or state/federal laws.

Hazing includes, but is not limited to:

- Forced consumption of food, alcohol, or drugs;
- Physical brutality (e.g., whipping, beating, branding);
- Sleep deprivation, exposure to extreme weather, or forced physical activity;
- Threats or intimidation;
- Performing illegal or unethical tasks.

Consent is not a defense under this policy.

Reporting Hazing

All members of the campus community are encouraged—and employees are required—to report suspected hazing. All crimes, including hazing, should be reported to an MTSA Campus Security Authority.

CAMPUS SECURITY AUTHORITIES:

Chris Hulin, President 615-732-7841, 615-732-7676 Chris.hulin@mtsa.edu,

Alescia Bethea, Executive Vice President 615-732-7862 Alescia.bethea@mtsa.edu

Jon Ronning, Vice President 615-732-7672 Jon.ronning@mtsa.edu

In Person: Executive Administration Suite, PT Magan Hall Building

In emergencies, call 911 or the Administrator on Call (AOC) at (615)912-0139.

Investigation & Consequences

All reports are investigated promptly and impartially by the Office of Executive Administration in coordination with the Title IX Coordinator, if applicable. At a minimum, an investigation will include an assessment of the report, determination as to whether any interim measures are needed, fact gathering by a neutral investigator that may include interviews of parties and witnesses and gathering any physical, digital, or other evidence, and a written rationale as to whether the information gathered makes it more likely than not that the hazing policy has been violated. Students and/or organizations found responsible for violating this policy will be issued sanctions which may range from a warning and educational requirements up to expulsion from MTSA or loss of recognition for the organization or group.

Investigations will:

- Protect the confidentiality of reporters when possible;
- Provide due process to the alleged individuals or organizations;
- Ensure support services for affected parties.

Reports involving criminal conduct may also be referred to law enforcement.

Retaliation

It is a violation of this policy to retaliate toward any person for reporting an alleged violation of this policy or for cooperating with a institutional investigation related to this policy. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), isolation, or any other action intended to create a hostile environment for the intended target of the retaliation.

Education & Transparency

Annual hazing prevention training is required for students, staff, and organization leaders. All hazing violations and sanctions are published twice yearly on the school's website and in the Campus Hazing Transparency Report.

Review

This policy is reviewed annually and updated as needed to reflect legal and institutional changes.

Student Drug & Alcohol Policy

Policy Number: 5.1.111

Standards of Conduct

MTSA prohibits the unlawful manufacture, possession, use, or distribution of illegal drugs and alcohol on the MTSA campus, and any contingent site, or on the campus of any clinical affiliate site. To further MTSA's commitment to provide a healthy and thriving educational environment, and to stay in compliance with the Drug Free Schools and Communities Act Amendments of 1989, MTSA has established the following drug and alcohol policy.

Students must be fit for duty and free from impairment in all academic, simulation, and clinical settings. The following are strictly prohibited:

- Impairment related to improper use of prescribed substances.
- Use of marijuana/THC in any form (including vaping, edibles, oils, delta8/delta10). Cannabis remains illegal under federal law; clinical participation requires federal compliance.
- Use of controlled substances without a current, valid prescription.
- Diversion, misuse, or tampering with medications or drug tests.

Since many drugs alter one's alertness, and mental alertness is crucial during the provision of anesthesia, students may be screened for drugs and alcohol at any time after acceptance and throughout enrollment at MTSA. MTSA contracts with an outside company to perform drug/alcohol screening of students throughout the program of study, as needed. See [Drug Testing Policy](#) for more information.

Students should be aware that if they are found to test positive for alcohol, illegal substances or substances without a current and valid prescription, MTSA is obligated to report such violation of the drug and alcohol policy to the appropriate agency as determined by the program. Therefore, students are required to report any alertness-altering prescribed substance use (i.e. treatment for anxiety and learning disabilities) to the Clinical Support Coordinator.

Required Medication Disclosure

Students must proactively disclose medications, supplements, or products that may cause a positive screen or impair performance. Documentation must be provided before clinical participation or upon medication initiation. Failure to disclose before a positive result may lead to disciplinary action.

Product Advisories: CBD, Hemp, and Poppyseeds

- CBD & Hemp-Derived Products: Students should avoid CBD and hemp products (including delta8/delta10), as contamination may trigger positive THC results. A CBD explanation will not overturn a verified THC positive test.
- Poppyseed Advisory: Poppyseed foods may produce detectable opioid metabolites. Students are advised to avoid these for 72 hours prior to testing. A poppyseed claim does not automatically excuse a positive result.

MTSA Sanctions

To underscore the seriousness with which MTSA takes the issue of health and welfare of its constituent populations, the School will impose disciplinary sanctions on students - up to and including expulsion. If drug and alcohol violations are turned over to the State Board of Nursing, that Board will investigate and handle any prosecutions.

Health Risks

As part of the Drug-Free Schools and Communities Act of 1989, MTSA is required to inform all students of the health risks associated with the use of illicit drugs and the abuse of alcohol. The School recognizes that Substance Use Disorder of any sort is a major health problem.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse.

Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

You can find more information on Substance Abuse and Health Risks in the Department of Justice's, Drugs of Abuse resource guide here: https://www.dea.gov/sites/default/files/drug_of_abuse.pdf.

Resources

MTSA does not provide on-campus drug/alcohol counseling, treatment, or rehabilitation programs for students. There are many community resources that provide support, information and treatment. Upon request or in appropriate situations, the School may refer the student to a counselor, center, or program for assistance with such needs.

Local Resources for Help

Nashville Poison Control	615-936-2034	https://www.vumc.org/poisoncenter/
AANA Peer Assistance Resource	800-654-5167	http://peerassistance.aana.com/directory.asp
TANA Peer Assistance Resource	800-654-5167	https://www.tncrna.com/peer-assistance/
Alcoholics Anonymous	615-831-1050	http://www.aanashville.org/

Narcotics Anonymous	888-476-2482	https://nanashville.org/
Cumberland Heights Treatment Ctr	615-356-2700	https://www.cumberlandheights.org/
TN Professional Assistant Program	615-726-4001	http://www.tnpap.org/
JourneyPure Treatment Center	888-633-9588	https://journeypure.com
Celebrate Recovery	615-604-2210	https://www.celebraterecovery.com/
Foundations Nashville	615-994-7872	https://www.foundationsrecoverynetwork.com
TN Crisis Svs & Suicide Prevention	855-274-7471	https://www.tn.gov/behavioral-health/need-help.html

Drug Laws

A full list of controlled substances as defined by Tennessee state law can be found here:

http://www.lcle.la.gov/sentencing_commission/Resources/1%20C.%20TN%20drug%20laws.pdf

<https://statelaws.findlaw.com/tennessee-law/tennessee-drug-laws.html>

<https://discoveryplace.info/legal/drug-laws-tennessee/>

The Federal DEA guidebook of Drugs of Abuse can be found on the DEA website. For more information:

https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual. \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture	280 grams or more mixture		
Fentanyl (Schedule II)	40-399 grams mixture	400 grams or more mixture		
Fentanyl Analogue (Schedule I)	10-99 grams mixture	100 grams or more mixture		
Heroin (Schedule I)	100-999 grams mixture	1 kg or more mixture		
LSD (Schedule I)	1-9 grams mixture	10 grams or more mixture		

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture	50 grams or more pure or 500 grams or more mixture		
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
Flunitrazepam (Schedule IV)	Other than 1 gram or more			
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Legal Sanctions Under State and Federal Law

The following is a summary of Tennessee and federal sanctions for the unlawful use of illicit drugs and alcohol. While the summary is a good faith effort to provide information, MTSA does not guarantee that it is an error-free or exhaustive accounting

Under federal law, a civil penalty of up to \$100,000 and imprisonment of up to one year may be imposed for simple possession of certain specified controlled substances. Possession of crack cocaine may lead to civil

penalties of up to \$250,000 and imprisonment of up to twenty years. Also, possession of a controlled substance can result in the denial of federal benefits, such as student loans, grants, contracts and professional and commercial licenses, and the forfeiture of personal property and real estate used to transport, conceal or facilitate such possession. In addition, possession of a controlled substance can lead to ineligibility to receive or purchase a firearm.

Under federal law, it is unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, dispense, deliver or sell controlled substances. The penalty imposed depends upon many factors that include the type and amount of controlled substance involved; the number or prior offenses, if any; whether death or serious bodily harm resulted from the use of such substance; and whether any other crimes were committed in connection with the use of the controlled substance. Even a first-time violation can result in life imprisonment; a fine of up to \$4,000,000 per individual; supervised release; or any combination of these penalties. These sanctions are doubled when the offense involves either: (1) distribution or possession at or near a school or university campus, or (2) distribution to persons under 21 years of age. Repeat offenders may face greater penalties.

Under Tennessee law, it is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of their employment) or consume alcoholic beverages, including wine or beer. It is unlawful for any adult to buy alcoholic beverages for or furnish them for any purpose to anyone under 21 years of age. These offenses are classified Class A Misdemeanors punishable by imprisonment for not more than eleven months and twenty-nine days or a fine of not more than \$2,500 or both. The offense of public intoxication is a Class A Misdemeanor punishable by imprisonment of not more than thirty days or a fine of not more than \$50 or both.

Under Tennessee law, the offense of possession or casual exchange of a controlled substance (such as marijuana) is punishable as a Class A Misdemeanor (eleven months, twenty-nine days and/or a fine of \$2,500). For the third and subsequent offense of possession of ½ oz. or less of marijuana, punishment is one to six years of imprisonment and a \$3,000 fine. If there is an exchange from a person over 21 years of age to a person under 21 and the older person is at least two years older than the younger and the older person knows that the younger person is under 21, then the offense is classified as a felony. Possession of more than ½ oz. of marijuana under circumstances where intent to resell may be implicit is punishable by one to six years of imprisonment and a \$5,000 fine for the first offense. Maximum Tennessee penalties for possession, manufacture or distribution of substantial quantities of a controlled substance range from fifteen to sixty years of imprisonment and up to a \$500,000 fine. The State of Tennessee may, under certain circumstances, impound a vehicle used to transport or conceal controlled substances.

Student Standards of Conduct

It is the philosophy of MTSA to uphold Christian ideals and values. While it is MTSA's policy to freely accept students regardless of religious persuasion, MTSA's philosophy is that students, faculty and staff are public representatives of MTSA, and are expected to avoid any conduct that would conflict with its Christian values.

Actions and conduct not in harmony with the Christian standards of MTSA include, but are not limited to, the following, and commission of any of these actions will result in disciplinary action that may include dismissal from the program.

For the purpose of enforcing the Student Standards of Conduct, students are accountable to these Standards from the time they are notified of their acceptance until they receive their degree, withdraw, or are dismissed. This includes conduct that occurs between semesters, while a student is on temporary leave (voluntary or involuntary), or has been suspended from MTSA.

Students who have participated in any of the following activities are required to report such infractions to MTSA administration. Students who witness or have personal knowledge of any participation in the following activities on the MTSA campus, any contingent site, or on the campus of any clinical affiliate site have a responsibility to report such infractions to MTSA administration.

Additionally, helping another student violate, or attempt to violate, any item addressed by these Standards of Conduct is also prohibited.

To underscore the seriousness with which MTSA takes the issue of health and welfare of its constituent populations, the School will impose disciplinary sanctions on students - up to and including expulsion, and possible referral for prosecution. Dismissal from the School or any lesser penalty as determined by the Program Director and the Progressions Committee may result from participation in any of the following activities:

1. Furnishing false information to the School with the intent to deceive;
2. Knowingly providing false information or testimony during the investigation of, or hearing on a disciplinary matter;
3. Refusal or failure to respond to a request from MTSA to report to a School administrative office or other location;
4. Vandalism, malicious destruction, damage, or misuse of private or public property, including library or computer center material;
5. Forgery, alteration, destruction, or misuse of School documents, records, or identification.
6. Obstruction or disruption of teaching, research, administration, disciplinary proceedings, or other School activities, including any authorized activities on School property; In no event shall this rule be construed to prevent speech protected by the First Amendment to the United States Constitution;
7. Unauthorized use of or entry to School facilities and/or unauthorized possession of keys to School facilities;
8. Disorderly conduct or lewd, indecent, or obscene conduct on School-owned property or at any other institution affiliated with the School, or at School-sponsored functions;
9. Physical abuse of any person, or other conduct which threatens or endangers the health or safety of any person (i.e., this includes attending class or clinical under the influence of drugs or alcohol) whether such conduct occurs on or off School property;
10. Participation of students in group activities on or adjacent to the campus, which causes damage to public or private property, causes injuries to persons, or interferes with the orderly functioning of the School or the normal flow of traffic;
11. Violation of written School policies or regulations as stipulated herein or as published and/or announced by authorized School personnel;

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12. Falsely reporting the presence of an unlawful explosive or incendiary device with the intent to mislead, deceive, or disrupt the operation of the School or a scheduled event sponsored by the School;
 13. The use of tobacco in any form, other than in properly designated smoking areas;
 14. Possession, while on School-owned property, or of any other institution affiliated with the School, of any weapon such as, but not limited to, rifles, shotguns, ammunition, handguns, air guns, including explosives, such as firecrackers, unless authorized in writing by the School Administration.
 15. Unauthorized use or misuse of MTSA's computing facilities to include logging on an account without the knowledge and permission of the owner; changing, deleting, or adding to the programs, files and/or data without authorization of the owner; theft of program data or machine resources; attempts to thwart security of the computer system, including hardware and software;
 16. Use of technological/electronic device(s) in the classroom. Students are allowed to use iPads/Microsoft Surface Pro or laptop computers in the classroom before class begins. However, the only use for iPads/Microsoft Surface Pro or laptops during any class will be for taking notes specifically related to the current class in session. No other activities utilizing any technological/electronic device(s), including but not limited to computers, iPads/Microsoft Surface Pro, cell phones, or scanners, such as (but not limited to) web-surfing, clinical case record completion, game-playing, or text-messaging will not be allowed during any class. The only exception to this is if web-based research is part of the curriculum for a given class, and this is specifically stated by the instructor. Some (but not all) instructors may allow calculators to be used during quizzes/tests/exams. If they do, students are only permitted to use calculators provided by MTSA at that time, which have no communication or data storage capability (i.e. no cell phone or PDA calculators).
 17. Participation in or conviction of theft, wrongful appropriation (i.e., theft with intent to temporarily deprive the owner of possession), unauthorized possession, or sale or damage to School property or any organization affiliated with the School or of another member of the School community (i.e., faculty, staff, student, or campus visitor);
 18. Any act of arson, falsely reporting a fire or other emergency, falsely setting off a fire alarm, tampering with or removing from its proper location fire extinguishers, hoses, or any other fire emergency equipment, except when done with real need for such equipment;
 19. An attempt to commit or to be accessory to the commission of any act in violation of other Standards of Conduct;
 20. Commission of an act or an attempt to commit an act on School property or involving members of the School community (i.e., faculty, staff, student or campus visitor) in an act that would be in violation of state or federal law;
 21. Violation of local, state, or federal law, whether on or off campus, when it appears that the student has acted in a way that adversely affects or seriously interferes with the School's normal educational function, or that injures or endangers the welfare of any member of the School or its affiliate community. Such violations include, but are not limited to, violation of state or federal drug laws, commission of or attempt or threat to commit rape, murder, felonious assault, arson, domestic or dating violence, sexual assault, stalking, or any other felonious crime against person or property. Any violation results in an arrest; the School must be notified within 24 hours.
 22. Unprofessional conduct, or any conduct or action that could bring dishonor or discredit on MTSA or would reflect unfavorably on its reputation as a Christian institution
 23. The use of any illegal drug.
 24. The use of addicting drugs and/or alcohol, which would impair judgment or function, including those prescribed by a physician, since mental alertness is crucial during the provision of anesthesia. Students participating in clinical rotations must submit a current copy of any prescription to the Clinical Support Coordinator of any medications they are using which may impair judgment or function. If this prescription is changed or modified, the Clinical Support Coordinator needs to be notified. Additionally, whenever specimen samples are collected for drug testing, the student must notify the collection personnel of any medications in use currently. Student anesthetists administer narcotics daily and must not be lax in signing out drugs, administering them properly, or properly disposing of unused portions. If circumstantial evidence renders students suspect of drug abuse, they may be asked to have urine, blood, or hair analyses to document their non-use of drugs. MTSA reserves the right, and students should expect, that a routine or random analysis for drugs may be requested at any time and without prior notice, to rule out substance abuse.
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25. Reporting for duty at any hospital or for any class or professional meeting while under the influence of drugs, alcohol, or ANY mood-altering substance;
 26. Unlawful manufacture, possession, use, influence or distribution of illegal drugs and alcohol
 27. No student should start or initiate a general or regional anesthetic without proper supervision of a licensed anesthesia personnel.
 28. Refusing to follow the campus health guidelines.
 29. Misrepresenting credentials, current academic programs, degrees, or professional accomplishments.
 30. Violating the [Academic Integrity Policy](#).
 31. Creating, distributing, publishing, maintaining, or promoting any unofficial application, website, digital resource hub, shared document repository, social media account, messaging platform, guide, checklist, form collection, clinical reference, or similar resource that uses the MTSA name, logo, branding, institutional identifiers, policies, forms, handbook language, clinical requirements, academic expectations, or other official MTSA information without prior written approval from MTSA administration.

This includes any student-created resource that may reasonably imply official MTSA review, approval, endorsement, maintenance, or sanction; contains outdated, inaccurate, incomplete, or inconsistent information; redirects students away from official MTSA communication channels; or creates confusion regarding official MTSA policies, procedures, forms, requirements, or expectations.

Students who identify opportunities to improve access to MTSA resources or who wish to develop technology-based tools for student use are encouraged to present their ideas to the appropriate MTSA administrator before developing, distributing, or promoting the resource broadly. MTSA may require the student to revise, remove, disable, rename, or stop distributing any unofficial resource that violates this policy

Failure to comply may result in disciplinary action under applicable MTSA conduct, professionalism, academic, clinical, or institutional policies.

5.1.114

Policy of MTSA Clinical Standards

Advancement of each student to the next higher level of anesthesia training and responsibility is made at semester intervals by the Progressions Committee. To be eligible to advance to the next higher level, the student must:

- meet all clinical objectives for the current level for advancement to the next level,
- successfully complete all clinical affiliation assignments, and
- keep and maintain a current multi-state Tennessee RN license or Nurse Licensure Compact (NLC) or enhanced Nurse Licensure Compact (eNLC) license on file with MTSA during the entire program.
 - If assigned to a state that is not a part of the compact, must have a license for that state
- obtain ACLS, BLS, and PALS certifications before starting clinical rotations and maintain them throughout the program

RN License

If a student's RN license lapses for any reason, the student will immediately be removed from clinical practice. The student may not return to clinical practice until documentation of a current RN license is presented to MTSA. Any clinical practice the student misses during this period must be made up prior to graduation, or the student may be extended in the program to compensate for these days. Any lapse in a nursing license that results in the inability to perform clinical duties will result in clinical probation.

ACLS, BLS & PALS Certification

MTSA facilitates ACLS, BLS & PALS certification for all students before starting clinical rotations. Upon completion, students are required to submit to the student portal by the established deadline.

Students are required to maintain these certifications from the American Heart Association throughout the program, so MTSA facilitates a second certification prior to the certification expiration date.

The MTSA facilitated training is mandatory for all students.

Required Vaccinations

Students are required to submit documentation of all required vaccinations by the deadline published each year. If a medical condition exists that prohibits the student from receiving a vaccine, the student must present documentation from their primary care provider stating why the vaccine is contraindicated. Various labs and diagnostics, such as TB skin testing, are required by clinical sites.

Clinical Supervision of Nurse Anesthetist Students

The following language is taken from the COA STANDARDS:

Supervision at clinical sites is limited to CRNAs and physician anesthesiologists who are institutionally credentialed to practice and immediately available for consultation. The clinical supervision ratio of students to preceptor ensures patient safety by taking into consideration: the complexity of the anesthetic and/or surgical procedure, the student's knowledge and ability, and the comorbidities associated with the patient. At no time does the number of students directly supervised by an individual clinical preceptor exceed 2:1.

Clinical supervision of students must not exceed (1) 2 students to 1 CRNA, or (2) 2 students to 1 physician anesthesiologist, if no CRNA is involved. The CRNA and/or physician anesthesiologist are the only individual(s) with responsibility for anesthesia care of the patient and have responsibilities including, but not limited to, providing direct guidance to the student, evaluating student performance, and approving a student's plan of care. There may be extenuating circumstances where supervision ratios may be exceeded for brief periods of time (e.g., life-threatening situations); however, the program must demonstrate that this is a rare situation for which contingency plans are in place (e.g., additional CRNA or physician anesthesiologist called in, hospital diverts emergency cases to maximize patient safety). Clinical supervision must be consistent with the COA Standards (i.e., clinical oversight is the responsibility of a CRNA or physician anesthesiologist only). The program is responsible for ensuring its clinical supervision requirements are consistent with the COA Standards. Students must be aware of these requirements and know who is supervising them in the clinical area.

The program restricts clinical supervision in non-anesthetizing areas to credentialed experts who are authorized to assume responsibility for the student.

Student Time-Commitment/Duty Hour Limits

Clinical hours include time spent in actual anesthesia administration as well as other clinical-area time such as in-house call, preanesthesia and postanesthetic assessment, patient preparation, and operating room preparation. Simulation supplements but does not substitute for these live-case requirements — hours/cases must come from real patient care under supervision.

Standards limit student time commitment to a reasonable number of hours not exceeding 64 hours per week, defined as the sum of class time and all clinical hours averaged over 4 weeks, meant to support patient safety and effective learning.

Students must have a 10-hour rest period between scheduled clinical duty periods, and may not provide direct patient care for more than 16 continuous hours at any time.

Anesthesia Management Plan Submission

Students should always complete a plan of care for each patient prior to beginning the case. Sometimes the anesthesia management plan will be written; however, at least a verbal anesthesia management plan should always be discussed with the clinical preceptor before beginning the anesthetic. Written anesthesia management plans will be considered part of the clinical evaluation component for advising.

Students create written anesthesia management plans using the MTSA Anesthesia Management Plan template provided.

If the student is aware of the first case for the next day, the basic anesthesia management plan aspects about the procedure and anesthetic should be completed the day prior to the case, and the student should take the partially

completed anesthesia management plan form to clinical to be available to present to the clinical preceptor. Then, the student can add the patient-specific data on the day of the case. If the student doesn't know their case assignment until the day of clinical, the entire anesthesia management plan should be completed the day of the case.

- Semesters 3 – 5: Submit 10 anesthesia management plans per semester (total of 30 in 1st clinical year)
- Semesters 6 – 8: Submit a case study with supporting evidence (1 each semester).

Students must upload written anesthesia management plans as external documents to the clinical case management system.

The deadline for submission is the last Thursday of Week 9 for each semester.

Clinical Grading

See [5.4.108 Grading Policy \(DNAP PD\)](#) and [5.4.102 Clinical Evaluation of Students](#) for information about clinical grading.

Clinical Vigilance and Electronic Device Use

In accordance with the COA Standards for Accreditation of Nurse Anesthesia Programs (Practice Doctorate, effective January 2026), all students are required to:

1. Be vigilant in the delivery of patient care.
2. Refrain from engaging in extraneous activities that abandon or minimize vigilance while providing direct patient care (e.g., texting, reading, emailing, etc.).

Personal mobile device use for non-clinical purposes is prohibited while students are engaged in direct patient care. This includes, but is not limited to, personal texting, phone calls, social media, email, and internet browsing. The smartphone requirement outlined in the [Technology Requirements](#) section pertains solely to approved program-related and emergency use.

Senior Elective

MTSA recognizes that there are hospitals and anesthesia groups willing to give clinical instruction to students that cannot accommodate the entire student body of MTSA. For this reason, the Senior Elective has been developed. Each student enrolled in the Practice Doctorate Program is required to participate in a Senior Elective during the last semester of the program.

A clinical affiliate agrees to have the position for a limited number of MTSA students. These facilities have the right to approve or deny student participation at the affiliation. MTSA reserves the right to limit the number of students in a Senior Elective at a site to prevent dilution of the clinical experience. Those requests made first, and those with hospitals already having contracts with MTSA, will be considered first. The cost of the Senior Elective is included in the tuition if a senior elective request is made by the student by the deadline in August, announced annually in the second year of the program. All tuition and fees are set by the MTSA Board of trustees.

A list of facilities that have participated in MTSA's "Senior Elective" program is available in the office of the Coordinator of Clinical Support. These are shared with students when the Coordinator of Clinical Support informs students of the Senior Elective processes and deadlines.

To be eligible for consideration for a Senior Elective of their choice, the student must meet the following criteria:

1. Satisfactory program status
2. Met or have the potential to meet all case requirements
3. No Progressions Committee action preventing student's participation
4. Specific permission from the Progressions Committee if the student has been on probation for any cause during his time in the program

Students not meeting these criteria will be assigned at any one of the regular active affiliates, including those located in other states, or at another senior elective affiliate with whom MTSA already has a current contract. In either of these cases, the student will be personally responsible for the entire cost of the Senior Elective, including any additional expenses, such as housing, travel, and non-NLC state RN licensure (if applicable). Any student who doesn't adhere to the senior elective deadlines as stated via email from the Coordinator of Clinical Support will be charged a fee if the student requests MTSA to try to secure a new site (or a site without an MTSA student in the past 3 years) within an abbreviated timeline.

If a student cancels a new Senior Elective site after the end of February of their third year in the program, they will be required to pay a \$1,000 cancellation fee. The Program Director will review extenuating circumstances for potential fee exclusions.

MTSA is willing to develop a Senior Elective with any anesthesia group willing to offer specific clinical experience to students, and whose anesthesiologists and CRNAs are capable and desirous of becoming clinical instructors and are willing to enter into MTSA's senior elective contract agreement. MTSA does not provide living accommodations and associated costs for Senior Electives, so the affiliate or student is expected to cover this expense. The student is responsible for identifying the Senior Elective site of their choice.

5.4.103

Practice Doctorate Program Student Drug Testing

MTSA is a faith-based institution committed to the health and well-being of its students, employees, and the patients served during clinical rotations. As part of this commitment, MTSA maintains a safe, drug-free learning environment and requires all students to participate in drug screening before and throughout their enrollment.

MTSA contracts with a third-party that maintains sites nationwide to perform chain of custody drug screening. MTSA financially supports mandatory drug screening.

- A. **Mandatory Initial Drug Screening:** All students will be required to have a drug screening prior to enrollment. Students are responsible for paying for drug screens completed prior to enrollment. A positive result or refusal/tampering may result in retraction of admission.
- B. **Mandatory Random Selection Drug Screening:** While enrolled at MTSA, each semester a student(s) will be selected to participate in a random drug screening. The choice of student is randomly selected using an internet based random selection process generated by a computer program. Students will be required to have their test completed within 24 hours of notification. Clinical coordinators may be notified to allow students time to go to the closest testing site. MTSA pays for this testing.
- C. **For Cause Drug Screening:** MTSA reserves the right to request **for cause drug screening at any time**. This screening must be completed within 24 hours of request. MTSA pays for this testing. Any of the following will result in a required drug screen:
 - 1. Receipt of a "red card" in clinical
 - 2. Erratic student behavior in classroom/simulation
 - 3. Behavior outbursts
 - 4. Calling out at clinical without a physician visit for illness
 - 5. Following a clinical/safety incident
 - 6. Prior to clinical placement or return from leave related to substance use
 - 7. Other incidents.
- D. **Confirmational Drug Screening:** A confirmational drug screen will be conducted following any failed medical review. **This test will be at the student's own expense.**

MTSA acknowledges the increasing availability of products that may contain THC. However, students who test positive for any drug or alcohol, including THC, will be removed from clinical duties and referred to MTSA leadership for evaluation. This meeting is intended to determine whether further support, intervention, and/or disciplinary actions may be needed.

If the student is permitted to resume clinical participation, the student must first:

- Submit weekly drug tests at their own expense until a negative ("clear") result is obtained
- Make up any missed clinical time, which may require an extension of the program beyond the original anticipated graduation date
- Be responsible for any associated fees resulting from program extension
- Fulfill all other requirements/conditions set forth by the Program Administrator
- Submit to ongoing monitoring and random testing as required at the student's own cost

Students may not return to clinical rotations until a negative (“clear”) test result is received and all conditions set forth by the Program Administrator have been met.

If a student is unable to complete their drug screening within 24 hours or provide urine, additional testing may be performed **at the student's added expense**. Any test that results in a “non- negative” will require follow up. Any additional retesting will be at the student's expense.

5.4.109

Clinical Evaluation of Students

Applies to: Semesters 3–9 (Clinical Phase)

Assessment Method: Clinical performance evaluations submitted by preceptors in case management software

Course Grade: Pass/Fail

1. Evaluation Performance Requirement

Students must achieve the minimum average clinical evaluation score each semester to pass.

Semester	Minimum Evaluation Average Required
3	75%
4	77.5%
5	80%
6	82.5%
7	85%
8	87.5%
9	90%

Meeting the required average in one semester does not compensate for falling below the minimum in another semester. Semester performance requirements are not averaged or combined.

2. Evaluation Completion Requirement

Students must complete clinical evaluations for at least 75% of the average scheduled clinical days each semester.

Semester	Expected Evaluations	Minimum Required (75%)
3	~16	≥ 12
4	~21	≥ 16
5	~21	≥ 16
6	~54	≥ 40
7	~54	≥ 40
8	~54	≥ 40
9	~32	≥ 24

Evaluation requirements are determined by scheduled clinical days. Documented excused absences reduce the clinical day denominator; unexcused absences do not.

Clinical absences beyond approved vacation, compensation, and emergency leave days must be made up to ensure required clinical time and competency attainment. Make-up clinical experiences will be scheduled based on clinical site availability and program discretion.

3. Evaluation Shortfall Review

Any time a student completes fewer than the required number of evaluations in a semester (below 75%), a formal review meeting with Program Leadership is required.

- - Verify clinical attendance and excused absences

-
- - Determine whether evaluation volume was appropriate given rotation structure
 - - Identify whether additional evaluations or supplemental clinical activities are required
 - - Determine if remediation or progression actions are necessary

A review does not guarantee successful course completion. Failure to meet evaluation requirements without justified cause may result in course failure, remediation, and/or delayed program progression.

4. Incomplete Grade Due to Limited Clinical Participation

If a student is unable to complete at least 50% of scheduled clinical days in a semester due to documented illness, medical emergency, or other unexpected circumstances beyond the student's control, the student may be assigned an Incomplete (I) for the course at the discretion of Program Leadership.

The student must provide appropriate documentation when applicable. A completion plan will be developed by Program Leadership and may include additional clinical days, supplemental evaluations, or return-to-practice clearance. Failure to complete requirements within the specified timeframe may result in a Fail and delayed program progression.

5. Professional Conduct Expectations

Students must demonstrate professionalism and safe clinical practice in accordance with MTSA standards and clinical site policies. Serious professionalism or safety concerns may result in removal from the clinical site, course failure, and/or referral to the Student Progress Committee.

6. Determination of Final Clinical Grade

A student will receive a Pass when both criteria below are met:

1. Semester evaluation average $\geq$ required minimum
2. Evaluations completed for $\geq$ 75% of scheduled clinical days

There is no rounding of evaluation averages or evaluation percentages.

Student Statement

Students are responsible for tracking their evaluation completion, clinical days, and evaluation scores in case management software and reviewing feedback regularly. Meeting evaluation requirements each semester is required for progression toward graduation.

Special Card System

MTSA has developed a "card system" to assist in the evaluation process of all students at all levels. Giving these cards is the prerogative of each instructor and can be accomplished by email, verbally, or formative clinical evaluation comments.

Green card

Green cards can be submitted by a clinical preceptor to acknowledge and commend outstanding performance in any area by a student. Green cards are discussed at NAP Council and Progressions Committee meetings.

Yellow card

Yellow cards can be submitted by a clinical preceptor to identify students who demonstrate behaviors which may cause elevated and unnecessary risk. This type of identification will result in activation of the [MTSA Clinical Safety Concerns Protocol](#) to ensure the concerns are communicated, addressed, and documented properly. Yellow cards are also discussed at NAP Council and Progressions Committee meetings.

Red card

Red cards can be submitted by a clinical preceptor to identify students who demonstrate behaviors which do cause elevated and unnecessary risk. This type of identification will result in activation of the [MTSA Clinical Safety Concerns Protocol](#) to ensure the concerns are communicated, addressed, and documented properly. Red cards are discussed at NAP Council and Progressions Committee meetings.

To receive a Red card is serious. Any student receiving a Red card will be required to complete a drug screen within 24 hours of the school receiving notice of the Red card. Red cards can lead to probation, suspension, removal from clinical site, failure of rotation, or termination from the program.

All cards will become part of the student's permanent file. The Progressions Committee will consider clinical performance (formative and summative), and any cards received to make the final decision relative to any action regarding clinical performance. Should it be determined that there may be a negative decision by the Progressions Committee (eg, probation or termination), the student will be offered the opportunity to discuss his performance with the Progressions Committee, prior to any decision.

5.4.102

Student Advisement

Advising is an essential part of student success, wellness, and progression at MTSA. Success requires strong academic and clinical performance supported by personal wellbeing.

Prior to enrollment, each student is assigned a CRNA faculty advisor. These assignments are published in the Student Resource Hub prior to the New Student Orientation.

Advising sessions are scheduled throughout semesters 1-9 as follows:

- Semesters 1-8 – Weeks 10-13
- Semester 9 – As needed

Students who are on academic or clinical probation or identified as struggling may meet with their advisor earlier in the semester.

Prior to each advising session, students are required to complete the self-evaluation form and submit it to the student portal. The form prompts students to identify academic and clinical goals, self-evaluate performance in academic, clinical, and simulation domains, reflect on personal well-being, and identify any referral needs.

During each advising session, the faculty advisor reviews the student's academic performance, clinical progress, simulation performance, overall well-being, and current COA clinical case counts. An action plan is developed as needed, and referrals may be made in the areas of academics, clinical performance, simulation, or wellness. When concerns are identified, the faculty advisor may refer the student to the Program Administrators or other appropriate program resources.

In addition to scheduled advising sessions, students are encouraged to contact their faculty advisor at any time throughout the semester. Faculty advisors maintain open availability to students through email, phone, and office visits and are committed to providing a safe, accessible environment for ongoing dialogue. Informal advising may occur through faculty office hours. Students are not required to wait for a scheduled session to seek guidance, raise concerns, discuss academic, simulation or clinical progress, or wellness issues with their advisor.

In addition to scheduled advising sessions, students have ongoing access to informal academic support through direct engagement with course instructors. Full-time and part-time academic faculty members are available to meet with students upon appointment. Faculty contact information, including email addresses, phone numbers, and office hours, is posted in each course syllabus. Students are encouraged to reach out to their instructor of record for course-specific questions, grade concerns, or academic guidance outside of the formal advising schedule. Faculty members are expected to respond to student communications within two MTSA business days.

All advising conversations are held in confidence and discretion in accordance with FERPA regulations, and completed advising records are maintained in a secure, semester-specific tracker, as well as in the Student Information System.

At the conclusion of each semester advising cycle, students will receive an official email notification confirming the completion of their advising process. This communication serves as documentation that all required advising steps have been fulfilled for the semester. Students are responsible for reviewing this email and retaining it for their records, as it may be used to verify advising compliance when needed.

Advising Referral Protocol

To ensure students receive appropriate and timely support, the following referral protocol will be used during the advising process:

1. Academic, Clinical, and Mental Health Referrals

- Any concerns or needs related to academic or clinical performance or mental health support will be referred to the Program Administrator or Assistant Program Administrators.
- External referrals will also be communicated to the Executive Vice President.
- The advisor will document the concern and initiate the referral through a separate email communication.
- The designated administrator will follow up with the student to assess needs, provide guidance, and coordinate any necessary resources or services.

2. Simulation Referrals

- Any referrals related to simulation activities, remediation, or enhanced learning experiences will be directed to the Director of Simulation.
- The advisor will initiate this referral via a separate email outlining the student's needs and relevant context.
- The Director of Simulation will communicate directly with the student regarding scheduling, expectations, and follow-up.

3. Communication and Documentation

- All referrals will be managed through separate email communications to ensure clarity, confidentiality, and timely response.
- Students are responsible for monitoring their email and responding promptly to any outreach related to referrals.
- Referral activity may be documented as part of the advising record for continuity of support.

Although the advising cycle has been formally completed, students are encouraged to reach out to their assigned advisor at any time if questions, concerns, or additional support needs arise.

Students will evaluate the quality of advising and mentorship provided by their faculty advisors at the conclusion of each academic year.

APPENDIX C EDGAR Part 86-Drug-Free Schools and Campuses

PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

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Sec.

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Authority: 20 U.S.C. 1145g, 3224a.

PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

Subpart A--General

Sec. 86.1 What is the purpose of the Drug-Free Schools and Campuses Regulations?

The purpose of the Drug-Free Schools and Campuses Regulations is to implement section 22 of the Drug-Free Schools and Communities Act Amendments of 1989, which adds section 1213 to the Higher Education Act and section 5145 to the Drug-Free Schools and Communities Act. These amendments require that, as a condition of receiving funds or any other form of financial assistance under any Federal program, an institution of higher education (IHE), State educational agency (SEA), or local educational agency (LEA) must certify that it has adopted and implemented a drug prevention program as described in this part.

(Authority: 20 U.S.C. 1145g, 3224a).

Sec. 86.2 What Federal programs are covered by this part?

The Federal programs covered by this part include—

(a) All programs administered by the Department of Education under which an IHE, SEA, or LEA may receive funds or any other form of Federal financial assistance; and

(b) All programs administered by any other Federal agency under which an IHE, SEA, or LEA may receive funds or any other form of Federal financial assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.3 What actions shall an IHE, SEA, or LEA take to comply with the requirements of this part?

(a) An IHE, SEA, or LEA shall adopt and implement a drug prevention program as described in Sec. 86.100 for IHEs, and Secs. 86.200 and 86.201 for SEAs and LEAs, to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees on school premises or as part of any of its activities.

(b) An IHE, SEA, or LEA shall provide a written certification that it has adopted and implemented the drug prevention program described in Sec. 86.100 for IHEs, and Secs. 86.200 and 86.201 for SEAs and LEAs.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.4 What are the procedures for submitting a drug prevention program certification?

(a) *IHE drug prevention program certification.* An IHE shall submit to the Secretary the drug prevention program certification required by Sec. 86.3(b).

(b) *SEA drug prevention program certification.* An SEA shall submit to the Secretary the drug prevention program certification required by Sec. 86.3(b).

(c) *LEA drug prevention program.*

(1) The SEA shall develop a drug prevention program certification form and a schedule for submission of the certification by each LEA within its jurisdiction.

(2) An LEA shall submit to the SEA the drug prevention program certification required by Sec. 86.3(b).

(3)(i) The SEA shall provide to the Secretary a list of LEAs that have not submitted drug prevention program certifications and certify that all other LEAs in the State have submitted drug prevention program certifications to the SEA.

(ii) The SEA shall submit updates to the Secretary so that the list of LEAs described in paragraph (c)(3)(i) of this section is accurate at all times.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.5 What are the consequences if an IHE, SEA, or LEA fails to submit a drug prevention program certification?

(a) An IHE, SEA, or LEA that fails to submit a drug prevention program certification is not eligible to receive funds or any other form of financial assistance under any Federal program.

(b) The effect of loss of eligibility to receive funds or any other form of Federal financial assistance is determined by the statute and regulations governing the Federal programs under which an IHE, SEA, or LEA receives or desires to receive assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.6 When must an IHE, SEA, or LEA submit a drug prevention program certification?

(a) After October 1, 1990, except as provided in paragraph (b) of this section, an IHE, SEA, or LEA is not eligible to receive funds or any other form of financial assistance under any Federal program until the IHE, SEA, or LEA has submitted a drug prevention program certification.

(b)(1) The Secretary may allow an IHE, SEA, or LEA until not later than April 1, 1991, to submit the drug prevention program certification, only if the IHE, SEA, or LEA establishes that it has a need, other than administrative convenience, for more time to adopt and implement its drug prevention program.

(2) An IHE, SEA, or LEA that wants to receive an extension of time to submit its drug prevention program certification shall submit a written justification to the Secretary that--

PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

(i) Describes each part of its drug prevention program, whether in effect or planned;

(ii) Provides a schedule to complete and implement its drug prevention program; and

(iii) Explains why it has a need, other than administrative convenience, for more time to adopt and implement its drug prevention program.

(3)(i) An IHE or SEA shall submit a request for an extension to the Secretary.

(ii)(A) An LEA shall submit any request for an extension to the SEA.

(B) The SEA shall transmit any such request for an extension to the Secretary.

(C) The SEA may include with the LEA's request a recommendation as to whether the Secretary should approve it.

(Authority: 20 U.S.C. 1145g, 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.7 What definitions apply to this part?

(a) *Definitions in the Drug-Free Schools and Communities Act.* The following terms used in this part are defined in the Act:

Drug abuse education and prevention
Illicit drug use

(b) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR part 77:

Department
EDGAR
Local educational agency
Secretary
State educational agency.

(c) *Other definitions.* The following terms used in this part are defined as follows:

Compliance agreement means an agreement between the Secretary and an IHE, SEA, or LEA that is not in full compliance with its drug prevention program certification. The agreement specifies the steps the IHE, SEA, or LEA will take to comply fully with its drug prevention program certification, and provides a schedule for the accomplishment of those steps. A compliance agreement does not excuse or remedy past violations of this part.

Institution of higher education means—

(1) An institution of higher education, as defined in 34 CFR 600.4;

(2) A proprietary institution of higher education, as defined in 34 CFR 600.5;

(3) A postsecondary vocational institution, as defined in 34 CFR 600.6; and

(4) A vocational school, as defined in 34 CFR 600.7.

(Authority: 20 U.S.C. 1145g, 3224a)

Subpart B--Institutions of Higher Education

Sec. 86.100 What must the IHE's drug prevention program include?

The IHE's drug prevention program must, at a minimum, include the following:

(a) The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of—

(1) Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;

(2) A description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol;

(3) A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

(4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and

(5) A clear statement that the IHE will impose disciplinary sanctions on students and employees (consistent with local, State, and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required by paragraph (a)(1) of this section. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(b) A biennial review by the IHE of its program to—

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (a)(6) of this section are consistently enforced.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0522)

PART 86--DRUG-FREE SCHOOLS AND CAMPUSES

Sec. 86.101 What review of IHE drug prevention programs does the Secretary conduct?

The Secretary annually reviews a representative sample of IHE drug prevention programs.

(Authority: 20 U.S.C. 1145g)

Sec. 86.102 What is required of an IHE that the Secretary selects for annual review?

If the Secretary selects an IHE for review under Sec. 86.101, the IHE shall provide the Secretary access to personnel, records, documents and any other necessary information requested by the Secretary to review the IHE's adoption and implementation of its drug prevention program.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.103 What records and information must an IHE make available to the Secretary and the public concerning its drug prevention program?

(a) Each IHE that provides the drug prevention program certification required by Sec. 86.3(b) shall, upon request, make available to the Secretary and the public a copy of each item required by Sec. 86.100(a) as well as the results of the biennial review required by Sec. 86.100(b).

(b)(1) An IHE shall retain the following records for three years after the fiscal year in which the record was created:

(i) The items described in paragraph (a) of this section.

(ii) Any other records reasonably related to the IHE's compliance with the drug prevention program certification.

(2) If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the IHE shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.

(Authority: 20 U.S.C. 1145g)

(Approved by the Office of Management and Budget under control number 1880-0552)

Subpart C--State and Local Educational Agencies

Sec. 86.200 What must the SEA's and LEA's drug prevention program for students include?

The SEA's and LEA's program for all students must, at a minimum, include the following:

(a) Age-appropriate, developmentally based drug and alcohol education and prevention programs (which address the legal, social, and health consequences of drug and alcohol use and which provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol) for all students in all grades of the schools operated or served by the SEA or LEA, from early childhood level through grade 12.

(b) A statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.

(c) Standards of conduct that are applicable to students in all the SEA's and LEA's schools and that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as part of any of its activities.

(d) A clear statement that disciplinary sanctions (consistent with local, State, and Federal law), up to and including expulsion and referral for prosecution, will be imposed on students who violate the standards of conduct required by paragraph (c) of this section and a description of those sanctions. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(e) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.

(f) A requirement that all parents and students be given a copy of the standards of conduct required by paragraph (c) of this section and the statement of disciplinary sanctions described in paragraph (d) of this section.

(g) Notification to parents and students that compliance with the standards of conduct required by paragraph (c) of this section is mandatory.

(h) A biennial review by the SEA or LEA of its program to--

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (d) of this section are consistently enforced.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.201 What must the SEA's and LEA's drug prevention program for employees include?

The SEA's and LEA's program for all employees must, at a minimum, include the following:

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(a) Standards of conduct applicable to employees that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of any of its activities.

(b) A clear statement that disciplinary sanctions (consistent with local, State, and Federal law) up to and including termination of employment and referral for prosecution, will be imposed on employees who violate the standards of conduct required by paragraph (a) of this section and a description of those sanctions. For the purpose of this section, a disciplinary sanction may include the completion of an appropriate rehabilitation program.

(c) Information about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to employees.

(d) A requirement that employees be given a copy of the standards of conduct required by paragraph (a) of this section and the statement of disciplinary sanctions described in paragraph (b) of this section.

(e) Notification to employees that compliance with the standards of conduct required by paragraph (a) of this section is mandatory.

(f) A biennial review of the SEA and LEA of its program to—

(1) Determine its effectiveness and implement changes to the program if they are needed; and

(2) Ensure that the disciplinary sanctions described in paragraph (b) of this section are consistently enforced.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.202 What review of SEA and LEA drug prevention programs is required under this subpart?

(a)(1) An SEA shall annually review a representative sample of LEA programs.

(2) If an SEA finds, as a result of its annual review, that an LEA has failed to implement its program or consistently enforce its disciplinary sanctions, the SEA shall submit that information, along with the findings of its review, to the Secretary within thirty (30) days after completion of the review.

(b) The Secretary may annually select a representative sample of SEA programs for review.

(Authority: 20 U.S.C. 3224a)

(Approved by the Office of Management and Budget under control number 1880-0522)

Sec. 86.203 What is required of an SEA or LEA that is selected for review?

(a) If the Secretary selects an SEA for review under Sec. 86.202(b), the SEA shall provide the Secretary access to personnel, records, documents, and any other information necessary to review the adoption and implementation of its drug prevention program.

(b) If the SEA selects an LEA for review under Sec. 86.202(a), the LEA shall provide the SEA access to personnel, records, documents, and any other information necessary to review the adoption and implementation of its drug prevention program.

(Authority: 20 U.S.C. 3224a)

Sec. 86.204 What records and information must an SEA or LEA make available to the Secretary and the public concerning its drug prevention program?

(a)(1) Each SEA that provides the drug prevention program certification shall, upon request, make available to the Secretary and the public full information about the elements of its drug prevention program, including the results of its biennial review required by Secs. 86.200(h) and 86.201(F).

(2) The SEA that provides the drug prevention program certification shall provide the Secretary access to personnel, records, documents, and any other information related to the SEA's compliance with the certification.

(b)(1) Each LEA that provides the drug prevention program certification shall, upon request, make available to the Secretary, the SEA, and the public full information about the elements of its program, including the results of its biennial review required by Secs. 86.200(h) and 86.201(f).

(2) The LEA that provides the drug prevention program certification shall provide the Secretary access to personnel, records, documents, and any other information related to the LEA's compliance with the certification.

(c)(1) Each SEA or LEA shall retain the following records for three years after the fiscal year in which the record was created:

(i) The items described in paragraphs (a) and (b) of this section.

(ii) Any other records related to the SEA's or LEA's compliance with the certification.

(2) If any litigation, claim, negotiation, audit, review, or other action involving the records has been started before expiration of the three-year period, the SEA or LEA shall retain the records until completion of the action and resolution of all issues that arise from it, or until the end of the regular three-year period, whichever is later.

(Approved by the Office of Management and Budget under control number 1880-0522)

(Authority: 20 U.S.C. 3224a)

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Subpart D--Responses and Sanctions Issued or Imposed by the Secretary for violations by an IHE, SEA, or LEA

Sec. 86.300 What constitutes a violation of this part by an IHE, SEA, or LEA?

An IHE, SEA, or LEA violates this part by—

(a) Receiving any form of Federal financial assistance after becoming ineligible to receive that assistance because of failure to submit a certification in accordance with Sec. 86.3(b); or

(b) Violating its certification. Violation of a certification includes failure of an IHE, SEA, or LEA to--

(1) Adopt or implement its drug prevention program; or

(2) Consistently enforce its disciplinary sanctions for violations by students and employees of the standards of conduct adopted by an IHE under Sec. 86.100(a)(1) or by an SEA or LEA under Secs. 86.200(c) and 86.201(a).

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.301 What actions may the Secretary take if an IHE, SEA, or LEA violates this part?

(a) If an IHE, SEA, or LEA violates its certification, the Secretary may issue a response to the IHE, SEA, or LEA. A response may include, but is not limited to--

(1) Provision of information and technical assistance; and

(2) Formulation of a compliance agreement designed to bring the IHE, SEA, or LEA into full compliance with this part as soon as feasible.

(b) If an IHE, SEA, or LEA receives any form of Federal financial assistance without having submitted a certification or violates its certification, the Secretary may impose one or more sanctions on the IHE, SEA, or LEA, including--

(1) Repayment of any or all forms of Federal financial assistance received by the IHE, SEA, or LEA when it was in violation of this part; and

(2) The termination of any or all forms of Federal financial assistance that--

(i)(A) Except as specified in paragraph (b)(2)(ii) of this section, ends an IHE's, SEA's, or LEA's eligibility to receive any or all forms of Federal financial assistance. The Secretary specifies which forms of Federal financial assistance would be affected; and

(B) Prohibits an IHE, SEA, or LEA from making any new obligations against Federal funds; and

(ii) For purposes of an IHE's participation in the student financial assistance programs authorized by title IV of the Higher Education Act of 1965 as amended, has the same effect as a termination under 34 CFR 668.94.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.302 What are the procedures used by the Secretary for providing information or technical assistance?

(a) The Secretary provides information or technical assistance to an IHE, SEA, or LEA in writing, through site visits, or by other means.

(b) The IHE, SEA, or LEA shall inform the Secretary of any corrective action it has taken within a period specified by the Secretary.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.303 What are the procedures used by the Secretary for issuing a response other than the formulation of a compliance agreement or the provision of information or technical assistance?

(a) If the Secretary intends to issue a response other than the formulation of a compliance agreement or the provision of information or technical assistance, the Secretary notifies the IHE, SEA, or LEA in writing of--

(1) The Secretary's determination that there are grounds to issue a response other than the formulation of a compliance agreement or providing information or technical assistance; and

(2) The response the Secretary intends to issue.

(b) An IHE, SEA, or LEA may submit written comments to the Secretary on the determination under paragraph (a)(1) of this section and the intended response under paragraph (a)(2) of this section within 30 days after the date the IHE, SEA, or LEA receives the notification of the Secretary's intent to issue a response.

(c) Based on the initial notification and the written comments of the IHE, SEA, or LEA, the Secretary makes a final determination and, if appropriate, issues a final response.

(d) The IHE, SEA, or LEA shall inform the Secretary of the corrective action it has taken in order to comply with the terms of the Secretary's response within a period specified by the Secretary.

(e) If an IHE, SEA, or LEA does not comply with the terms of a response issued by the Secretary, the Secretary may issue an additional response or impose a sanction on the IHE, SEA, or LEA in accordance with the procedures in Sec. 86.304.

(Authority: 20 U.S.C. 1145g, 3224a)

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Sec. 86.304 What are the procedures used by the Secretary to demand repayment of Federal financial assistance or terminate an IHE's, SEA's, or LEA's eligibility for any or all forms of Federal financial assistance?

(a) A designated Department official begins a proceeding for repayment of Federal financial assistance or termination, or both, of an IHE's, SEA's, or LEA's eligibility for any or all forms of Federal financial assistance by sending the IHE, SEA, or LEA a notice by certified mail with return receipt requested. This notice —

(1) Informs the IHE, SEA, or LEA of the Secretary's intent to demand repayment of Federal financial assistance or to terminate, describes the consequences of that action, and identifies the alleged violations that constitute the basis for the action;

(2) Specifies, as appropriate—

(i) The amount of Federal financial assistance that must be repaid and the date by which the IHE, SEA, or LEA must repay the funds; and

(ii) The proposed effective date of the termination, which must be at least 30 days after the date of receipt of the notice of intent, and

(3) Informs the IHE, SEA, or LEA that the repayment of Federal financial assistance will not be required or that the termination will not be effective on the date specified in the notice if the designated Department official receives, within a 30-day period beginning on the date the IHE, SEA, or LEA receives the notice of intent described in this paragraph—

(i) Written material indicating why the repayment of Federal financial assistance or termination should not take place; or

(ii) A request for a hearing that contains a concise statement of disputed issues of law and fact, the IHE's, SEA's, or LEA's position with respect to these issues, and, if appropriate, a description of which Federal financial assistance the IHE, SEA, or LEA contends need not be repaid.

(b) If the IHE, SEA, or LEA does not request a hearing but submits written material—

(1) The IHE, SEA, or LEA receives no additional opportunity to request or receive a hearing; and

(2) The designated Department official, after considering the written material, notifies the IHE, SEA, or LEA in writing whether—

(i) Any or all of the Federal financial assistance must be repaid; or

(ii) The proposed termination is dismissed or imposed as of a specified date.

(Authority: 20 U.S.C. 1145g, 3224a)

Subpart E--Appeal Procedures

Sec. 86.400 What is the scope of this subpart?

(a) The procedures in this subpart are the exclusive procedures governing appeals of decisions by a designated Department official to demand the repayment of Federal financial assistance or terminate the eligibility of an IHE, SEA, or LEA to receive some or all forms of Federal financial assistance for violations of this part.

(b) An Administrative Law Judge (ALJ) hears appeals under this subpart.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.401 What are the authority and responsibility of the ALJ?

(a) The ALJ regulates the course of the proceeding and conduct of the parties during the hearing and takes all steps necessary to conduct a fair and impartial proceeding.

(b) The ALJ is not authorized to issue subpoenas.

(c) The ALJ takes whatever measures are appropriate to expedite the proceeding. These measures may include, but are not limited to—

(1) Scheduling of conferences;

(2) Setting time limits for hearings and submission of written documents; and

(3) Terminating the hearing and issuing a decision against a party if that party does not meet those time limits.

(d) The scope of the ALJ's review is limited to determining whether—

(1) The IHE, SEA, or LEA received any form of Federal financial assistance after becoming ineligible to receive that assistance because of failure to submit a certification; or

(2) The IHE, SEA, or LEA violated its certification.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.402 Who may be a party in a hearing under this subpart?

(a) Only the designated Department official and the IHE, SEA, or LEA that is the subject of the proposed termination or recovery of Federal financial assistance may be parties in a hearing under this subpart.

(b) Except as provided in this subpart, no person or organization other than a party may participate in a hearing under this subpart.

(Authority: 20 U.S.C. 1145g, 3224a)

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Sec. 86.403 May a party be represented by counsel?

A party may be represented by counsel.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.404 How may a party communicate with an ALJ?

(a) A party may not communicate with an ALJ on any fact at issue in the case or on any matter relevant to the merits of the case unless the other party is given notice and an opportunity to participate.

(b)(1) To obtain an order or ruling from an ALJ, a party shall make a motion to the ALJ.

(2) Except for a request for an extension of time, a motion must be made in writing unless the parties appear in person or participate in a conference telephone call. The ALJ may require a party to reduce an oral motion to writing.

(3) If a party files a written motion, the party shall do so in accordance with Sec. 86.405.

(4) Except for a request for an extension of time, the ALJ may not grant a party's written motion without the consent of the other party unless the other party has had at least 21 days from the date of service of the motion to respond. However, the ALJ may deny a motion without awaiting a response.

(5) The date of service of a motion is determined by the standards for determining a filing date in Sec. 86.405(d).

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.405 What are the requirements for filing written submissions?

(a) Any written submission under this subpart must be filed by hand-delivery or by mail through the U.S. Postal Service.

(b) If a party files a brief or other document, the party shall serve a copy of the filed material on the other party on the filing date by hand-delivery or by mail.

(c) Any written submission must be accompanied by a statement certifying the date that the filed material was filed and served on the other party.

(d)(1) The filing date for a written submission is either—

(i) The date of hand-delivery; or

(ii) The date of mailing.

(2) If a scheduled filing date falls on a Saturday, Sunday, or Federal holiday, the filing deadline is the next Federal business day.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.406 What must the ALJ do if the parties enter settlement negotiations?

(a) If the parties to a case file a joint motion requesting a stay of the proceedings for settlement negotiations or for the parties to obtain approval of a settlement agreement, the ALJ grants the stay.

(b) The following are not admissible in any proceeding under this part:

(1) Evidence of conduct during settlement negotiations.

(2) Statements made during settlement negotiations.

(3) Terms of settlement offers.

(c) The parties may not disclose the contents of settlement negotiations to the ALJ. If the parties enter into a settlement and file a joint motion to dismiss the case, the ALJ grants the motion.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.407 What are the procedures for scheduling a hearing?

(a) If the IHE, SEA, or LEA requests a hearing by the time specified in Sec. 86.403(a)(3), the designated Department official sets the date and the place.

(b)(1) The date is at least 15 days after the designated Department official receives the request and no later than 45 days after the request for hearing is received by the Department.

(2) On the motion of either or both parties, the ALJ may extend the period before the hearing is scheduled beyond the 45 days specified in paragraph (b)(1) of this section.

(c) No termination takes effect until after a hearing is held and a decision is issued by the Department.

(d) With the approval of the ALJ and the consent of the designated Department official and the IHE, SEA, or LEA, any time schedule specified in this section may be shortened.

(Authority: 20 U.S.C. 1145g, 3224a)

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Sec. 86.408 What are the procedures for conducting a pre-hearing conference?

(a)(1) A pre-hearing conference may be convened by the ALJ if the ALJ thinks that such a conference would be useful, or if requested by —

- (i) The designated Department official; or
- (ii) The IHE, SEA, or LEA.

(2) The purpose of a pre-hearing conference is to allow the parties to settle, narrow, or clarify the dispute.

(b) A pre-hearing conference may consist of—

- (1) A conference telephone call;
- (2) An informal meeting; or

(3) The submission and exchange of written material.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.409 What are the procedures for conducting a hearing on the record?

(a) A hearing on the record is an orderly presentation of arguments and evidence conducted by an ALJ.

(b) An ALJ conducts the hearing entirely on the basis of briefs and other written submissions unless—

(1) The ALJ determines, after reviewing all appropriate submissions, that an evidentiary hearing is needed to resolve a material factual issue in dispute; or

(2) The ALJ determines, after reviewing all appropriate submissions, that oral argument is needed to clarify the issues in the case.

(c) The hearing process may be expedited as agreed by the ALJ, the designated Department official, and the IHE, SEA, or LEA. Procedures to expedite may include, but are not limited to, the following:

(1) A restriction on the number or length of submissions.

(2) The conduct of the hearing by telephone conference call.

(3) A review limited to the written record.

(4) A certification by the parties to facts and legal authorities not in dispute.

(d)(1) The formal rules of evidence and procedures applicable to proceedings in a court of law are not applicable.

(2) The designated Department official has the burden of persuasion in any proceeding under this subpart.

(3)(i) The parties may agree to exchange relevant documents and information.

(ii) The ALJ may not order discovery, as provided for under the Federal Rules of Civil Procedure, or any other exchange between the parties of documents or information.

(4) The ALJ accepts only evidence that is relevant and material to the proceeding and is not unduly repetitious.

(e) The ALJ makes a transcribed record of any evidentiary hearing or oral argument that is held, and makes the record available to—

(1) The designated Department official; and

(2) The IHE, SEA, or LEA on its request and upon payment of a fee comparable to that prescribed under the Department of Education Freedom of Information Act regulations (34 CFR part 5).

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.410 What are the procedures for issuance of a decision?

(a)(1) The ALJ issues a written decision to the IHE, SEA, or LEA, the designated Department official, and the Secretary by certified mail, return receipt requested, within 30 days after—

(i) The last brief is filed;

(ii) The last day of the hearing if one is held; or

(iii) The date on which the ALJ terminates the hearing in accordance with Sec. 86.401(c)(3).

(2) The ALJ's decision states whether the violation or violations contained in the Secretary's notification occurred, and articulates the reasons for the ALJ's finding.

(3) The ALJ bases findings of fact only on evidence in the hearing record and on matters given judicial notice.

(b)(1) The ALJ's decision is the final decision of the agency. However, the Secretary reviews the decision on request of either party, and may review the decision on his or her own initiative.

(2) If the Secretary decides to review the decision on his or her own initiative, the Secretary informs the parties of his or her intention to review by written notice sent within 15 days of the Secretary's receipt of the ALJ's decision.

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(c)(1) Either party may request review by the Secretary by submitting a brief or written material to the Secretary within 20 days of the party's receipt of the ALJ's decision. The submission must explain why the decision of the ALJ should be modified, reversed, or remanded. The other party shall respond within 20 days of receipt of the brief or written materials filed by the opposing party.

(2) Neither party may introduce new evidence on review.

(d) The decision of the ALJ ordering the repayment of Federal financial assistance or terminating the eligibility of an IHE, SEA, or LEA does not take effect pending the Secretary's review.

(e)(1) The Secretary reviews the ALJ's decision considering only evidence introduced into the record.

(2) The Secretary's decision may affirm, modify, reverse or remand the ALJ's decision and includes a statement of reasons for the decision.

(Authority: 20 U.S.C. 1145g, 3224a)

Sec. 86.411 What are the procedures for requesting reinstatement of eligibility?

(a)(1) An IHE, SEA, or LEA whose eligibility to receive any or all forms of Federal financial assistance has been terminated may file with the Department a request for reinstatement as an eligible entity no earlier than 18 months after the effective date of the termination.

(2) In order to be reinstated, the IHE, SEA, or LEA must demonstrate that it has corrected the violation or violations on which the termination was based and that it has met any repayment obligation imposed upon it under Sec. 86.301(b)(1) of this part.

(b) In addition to the requirements of paragraph (a) of this section, the IHE, SEA, or LEA shall comply with the requirements and procedures for reinstatement of eligibility applicable to any Federal program under which it desires to receive Federal financial assistance.

(Authority: 20 U.S.C. 1145g, 3224a)

Appendix A

Note: This appendix will not be codified in the Code of Federal Regulations.

This appendix contains a description of Federal trafficking (i.e., distribution) penalties for substances covered by the Controlled Substances Act (21 U.S.C. 811), and is taken from a Department of Justice publication entitled *Drugs of Abuse* (1989 Edition). Persons interested in acquiring the entire publication or in obtaining subsequent editions in the future should contact the Superintendent of Documents, Washington, DC 20402. This appendix also contains a description prepared by the Department of Justice of Federal penalties and sanctions for illegal possession of a controlled substance. Legal sanctions for the unlawful possession or distribution of alcohol are found

primarily in State statutes.

The Department of Education is providing this information as an example of the minimum level of information that IHEs may provide to their students and employees in order to comply with the requirements in Sec. 86.100(a)(2) of these regulations relating to the distribution to students and employees of a description of the applicable legal sanctions under Federal law for the unlawful possession or distribution of illicit drugs and alcohol. The Secretary considers this description as meeting the requirements of the regulations, but IHEs are not precluded from distributing additional or more detailed information. In future years, IHEs should distribute the most current editions of these documents that are available.

APPENDIX D: Excerpts from Program Participation Agreement (PPA) (Expires 9/30/2027)

2a. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart B, for grantees, as defined at 34 C.F.R. Part 84, Sections 84.200 through 84.230 - The Institution certifies that it will or will continue to provide a drug-free workplace by:

- (a) Publishing a drug-free workplace statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about-
 - (1) The dangers of drug abuse in the workplace;
 - (2) The Institution's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will -
 - (1) Abide by the terms of the statement, and
 - (2) Notify the employer in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace no more than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under this subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted -
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1972, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

2b. Drug-Free Workplace (Grantees Who Are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 C.F.R. Part 84, Subpart C, for recipients who are individuals, as defined at 34 C.F.R. Part 84, Section 84.300 -

1. As a condition of the grant, the Institution certifies that it will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity related to the award; and
2. If any officer or owner of the Institution is convicted of a criminal drug offense resulting from a violation occurring during the conduct of any award activity, the Institution will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202. Notice shall include the identification number(s) of each affected grant.

3. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 C.F.R. Part 85, for prospective participants in primary covered transactions as defined at 34 C.F.R. Part 85, Sections 85.105 and 85.110, the Institution certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction; violation of Federal or State antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects their present responsibility.
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default.

4. Drug and Alcohol Abuse Prevention

As required by the Drug-Free Schools and Communities Act Amendments of 1989, which added section 1213 to the Higher Education Act, and implemented at 34 C.F.R. Part 86, the undersigned Institution certifies that it has adopted and implemented a drug prevention program for its students and employees that, at a minimum, includes—

1. The annual distribution in writing to each employee, and to each student who is taking one or more classes for any kind of academic credit except for continuing education units, regardless of the length of the student's program of study, of:
 - Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.
 - A description of the applicable legal sanctions under local, State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol.
 - A description of the health risks associated with the use of illicit drugs and the abuse of alcohol.
 - A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.
 - A clear statement that the Institution will impose disciplinary sanctions on students and employees (consistent with local, State and Federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violation of the standards of conduct. A disciplinary sanction may include the completion of an appropriate rehabilitation program.
2. A biennial review by the Institution of its program to:
 - Determine its effectiveness and implement changes to the program if they are needed.
 - Ensure that its disciplinary sanctions are consistently enforced.

APPENDIX E : SOURCES

The following sources and policies were reviewed by the task force to assemble the report.

U.S. Department of Education, Complying with the Drug-Free Schools, and Campuses

<https://safesupportivelearning.ed.gov/sites/default/files/hec/product/dfscr.pdf>

Higher Education Opportunity Act | Consumer Information disclosures within the Act

<https://www2.ed.gov/policy/highered/leg/hea08/index.html>

Drug Free Workplace Act of 1988

<https://www.law.cornell.edu/uscode/text/41/8102>

The Resurgence of the Drug-Free Schools and Communities Act: A Call to Action

<https://info.stanleycss.com/rs/692-VCY-483/images/Resurgence-of-the-Drug-Free-Schools.pdf?alid=eyJpIjoidWFKQjhLNjM5UU81S2kzbCIsInQiOiI0ZUVLYnBtaXlDXC9sQ1dnclRDMUxOQT09In0%253D>

EDGAR Part 86-Drug-Free Schools and Campuses

<https://www.ndscs.edu/sites/default/files/2019-07/PDF/drug-free-schools.pdf>

Excerpt from the MTSA Program Participation Agreement, Appendix D (expires 9/30/27).