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**TOP STORIES**


The nurses union at Nassau University Medical Center has sued to stop release of drug test results after alleged tampering with 27 vials of drugs.

# Drug tests for NUMC nurses spur lawsuit

## After alleged drug tampering, union sues over results

BY SCOTT EIDLER  
 scott.eidler@newsday.com

The union representing nurses at Nassau University Medical Center in East Meadow has sued to prevent administrators from releasing results of drug tests ordered after officials discovered 27 vials of narcotics that allegedly were tampered with in the hospital's ICU ward.

Twenty-five individuals submitted urine tests, according to court filings and testimony Monday in State Supreme Court in Mineola. All had access to secured narcotics lockers where the vials were stored and they worked during the period in which the vials were suspected to have been tampered with, according to a court filing by the Nassau Health Care Corp.'s outside counsel.

The narcotics involved were morphine, fentanyl, lorazepam, hydromorphone, and phenobarbital, the NHCC filing said. The discovery was made July 23.

A spokesman for the hospital declined to comment about whether any of the vials were administered to patients.

Officials of the Civil Service Employees Association said that under a collective bargaining agreement hospital administrators could not "randomly drug test" union employees. To justify the testing, there must be "probable cause" showing signs of drug or alcohol use, such as bloodshot eyes, slurred speech or alcohol on the breath, the union said.

On Monday, state Supreme Court Justice Leonard Steinman approved a compromise in which the Nassau Health Care Corp. agreed to deliver union members' urine tests directly to Steinman, along with a list of the substances that might have been tampered with.

Steinman said if any of the employees tested positive for sub-

stances that may have been involved, he would call for further hearings to address the matter. Supreme Court Justice Jack Libert granted a temporary restraining order Friday, barring the Nassau Health Care Corp. from disseminating drug test results.

Kenneth Nicholson, CSEA unit president for NUMC, wrote in the suit that the health system wanted to conduct drug tests on nurses who "had some sort of access to the area where drugs have been tampered with."

CSEA president Jerry Laricchiuta said in an interview, "We want to find out who the perpetrator is."

But he said law enforcement should have sought warrants to conduct the drug testing.

In a statement, NUMC spokesman Brian Finnegan said, "Upon discovery of the unauthorized removal of narcotics from a secure storage container at Nassau University Medical Center, hospital officials immediately launched an internal investigation of the incident and notified all appropriate law enforce-

ment authorities. In the interest of patient and staff safety, we have asked for cooperation from several faculty members who had access to the secure location where the drugs were stored. In accordance with hospital policies, and local, state, and federal reporting requirements, the hospital will continue its investigation, with the cooperation of law-enforcement, until the incident is resolved."

The vials were pierced with a syringe through the hard plastic seal and the rubber medicine cap, according to a court filing from the hospital's outside counsel, Rachel Demarest Gold.

Gold wrote that "doses of the narcotics had been removed from each of the vials, and replaced with another liquid."

She also said the vials that were tampered with had "varying levels of medication" inside. Gold wrote that by replacing the narcotics with another liquid, whoever "did this tried to make it appear that nothing was missing" in order to hide the theft.