

Report on Patient Privacy Volume 20, Number 9. September 10, 2020 Patient Privacy Court Case: September 2020

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On August 26, 2020, the Ohio Supreme Court held that an at-will employee has no cause of action for invasion of privacy after an employer requires the employee to submit to a directly observed urine collection drug test. The Ohio Supreme Court reviewed the case on a discretionary appeal from a judgment from the Fifth Circuit Court of Appeals.^[1]

Sterilite of Ohio LLC, which is a private company, implemented a substance-abuse policy that applied to all employees and was a condition of employment. The policy set out three circumstances where Sterilite could require an employee to submit to a drug test: (1) while investigating a workplace accident or incident, (2) when there is reasonable suspicion that an employee may be impaired by drugs or alcohol, or (3) randomly at periodic intervals.

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