



Occupational Health Services
of America, Inc.



Dr. Bruce Irwin, & Dr. James M. Allen , AAMRO

July 1, 2008

IMPORTANT FEDERAL DRUG SCREEN CHANGES!

On June 25, 2008, the Department of Transportation published several rule changes. The rulings affect the laboratory, collection site, Medical Review Officers and YOU, *the employer*. The enforcement date is August 25, 2008. The rulings address adulterated, substituted, diluted, and invalid specimen results. This Final Rule makes specimen validity testing mandatory within regulated transportation industries. In addition, a number of changes were made concerning procedures for direct observed collections.

Most state regulations follow the DOT guidelines for the drug free workplace protocol. Because the DOT standard is accepted as the “gold” standard for collections, we recommend these guidelines for all industries. The following is an overview of the changes:

1. Laboratories are mandated to test all DOT specimens for specimen validity.
2. Observed collections will be required, rather than optional for:
 - All return to duty drug tests
 - All follow-up drug tests
 - Any of the above that are not observed will be required to be repeated
3. During observed collections, items such as prosthetic devices designed to carry clean urine will be checked by observers with both male and female donors. The observer will have the employee raise and/or lower clothing, then return clothing back into place for the observed collection.
4. The following occurrences are now considered “REFUSAL TO TEST:”
 - The donor is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - The donor refused to follow collector instructions during an observed collection process to raise and/or lower clothing as specified in regulations.
 - The donor admits to the collector or MRO that he/she adulterated or substituted the specimen.
5. The employee will have the right to have an interview with Medical Review to:
 - Discuss any possible medical reason for the invalid result. Alternative testing can be used to determine if the donor is or is not a drug user as part of the medically appropriate procedures in determining clinical evidence of drug use.

In addition to the above changes, on June 15, a ruling was issued by DOT. It mandates all Federal Motor Carriers to report ALL positive drug screens to the governing state, if requested. Driver permission to release this information is not required.

******* PLEASE understand it is your responsibility as employer to communicate to the collection site and to OSHA the reason for the drug test requested.
We will make every effort to see the regulations are followed.**

OHSA Staff:

Dr. Bruce Irwin, Dr. James Allen, Prisscilla McCain, Sherri Queen,
Bridgette Mason, Linda Tucker, & Charlotte O’Barr