

The Department of Transportation Will Implement Additional Guidelines for Specimen Validity Testing and Observed Collections

Published in the Federal Register is a Department of Transportation Final Rule: Procedures for Transportation Workplace Drug and Alcohol Testing Programs

In summary:

- 1) This Final Rule makes it mandatory for laboratories to test all DOT specimens for specimen validity (i.e., adulterants and urine substitutes) and for laboratories to follow all Department of Health and Human Resources (HHS) protocols for doing so.
- 2) Observed collections will afford less privacy in order to guard against employee use of items designed specifically to beat the testing process.
 - a) Directly observed collections will continue to occur only when there is a specific reason to believe that an employee may be attempting, or have sufficient reason, to evade the testing process.
 - b) Items such as prosthetic devices designed to carry clean urine will be checked for by observers with both male and female donors. The observer will have the employee raise and lower clothing, and then put it back into place for the observed collection.
 - c) Observed collections will now be required, rather than optional, for all return-to-duty and follow-up drug testing.
- 3) In an effort to thwart those who would manufacture products designed to adulterate specimens, the Final Rule will no longer have easy-to-follow tables and charts outlining the adulterants for which laboratories are testing and the scientific cutoff levels at which laboratories are testing them.
- 4) Definitions in the Final Rule have been changed to harmonize with the HHS.
- 5) During an invalid result Medical Review Officer (MRO) review, an employee admission of adulterating or substituting a specimen is now a refusal to test.
- 6) Pursuant to MRO requests, the Final Rule will close the potentially endless loop on invalid specimen results; and employees requiring negative results [for example, pre-employment tests], when they have medical reasons for providing invalid results, will be able to obtain them through medical evaluations to rule out signs and symptoms of drug use.
- 7) The Final Rule will also streamline and simplify the potential myriad of complicated laboratory-confirmed and MRO-verified drug test results.
- 8) The Final Rule requires drug testing laboratories to report to DOT semi-annual statistical summaries on all of their DOT testing.
- 9) The Final Rule effective date is August 25, 2008.

Nevada Releases New Rules for Drug Testing to be Performed Using a Medical Laboratory

The state of Nevada has mandated drug testing to be performed using a laboratory. This procedure will reduce the risk associated with administering drug testing procedure or devices.

"Medical laboratory" means any facility for microbiological, serological, immunohematological (blood banking), cytological, histological, chemical, hematological, biophysical, toxicological, or other methods of examination of tissues, secretions or excretions of the human body. The term does not include a forensic laboratory operated by a law enforcement agency.

DRUG TESTING for pre-employment, workplace, narcotic treatment, transitional living facilities for released offenders, or facilities for the treatment of alcohol and drug abuse:

If you wish to conduct drug testing for pre-employment, workplace, narcotic treatment, transitional living facilities for released offenders, or facilities for the treatment of alcohol and drug abuse follow the instructions below. These instructions do NOT apply to forensic testing performed by law enforcement agencies, court ordered SAPTA certified programs, or self-testing. There is no CLIA application necessary for non-medical testing.

Instructions: Before You Begin Drug Testing

1. You must have a Laboratory Director who is an MD, DO, podiatrist or chiropractor.
2. You must complete the Laboratory Exemption application, which you may download from the website in Microsoft Word or Adobe .pdf format.
3. Your Laboratory Director must sign the application, and that signature must be notarized.
4. All testing personnel must submit a Clinical Laboratory Personnel Certification application, which you may download here in Microsoft Word or Adobe .pdf format.
5. Your lab must have a written safety policy and an eye wash station.
6. The Bureau of Licensure and Certification must conduct an on-site visit and approve your application before you may begin testing anyone.
7. Be sure to use kits that have been classified as "waived."

Instructions: Three Easy Steps to Conduct Drug Testing

1. Follow the manufacturer's instructions. This includes monitoring and recording the temperature where the kits are stored.
2. Conduct a competency assessment for each person who performs the test, and write it down prior to testing people.
3. Conduct an accuracy check on each test by writing down the control results. Built in controls are acceptable.