

## Collectors Be Alert, The State Plans To Require a Certification For Specimen Collections

Editor Ty Weaver

The State of Texas is not making any exceptions for collectors or collection facilities. Currently, there is a bill that will hold collectors and collection facilities accountable for their actions. If passed, the law will require collectors to become registered with the state, therefore establishing grounds for suspending, denying, or revoking a certificate of registration or placing a certificate holder on probation.

The Executive Commissioner and the Department of State Health Services will become the certifying body for collection services in Texas. Collection services include provisions for a school, governmental agency, or employer of services to collect hair, saliva, urine, sweat, or other specimens from a human body. The collections have to be conducted utilizing individuals who are trained and certified according to the type of specimen collected.

The state will require owners or operators of collection facilities and individuals performing collection procedures to be registered with the state. Applicants seeking certification must apply and pay a registration fee. They must also have successfully completed the number of hours of training required by the department or hold a current certification by a nationally

recognized body. Also, collectors must maintain professional liability insurance.

The department will also implement grounds for suspending, denying, or revoking a certificate of registration or place a certificate holder on probation. A collector can be denied a certificate if they obtain a certificate by means of fraud, misrepresentation, or concealment of a material fact. A person's certificate can be suspended if they sell, barter, or offer to sell or barter a certificate of registration.

The Department of State Health will investigate violations committed by the collector and complaints filed against the collector. In addition, the department may place a collector on probation for violations or issue an emergency suspension for a collector who is an imminent threat to the public welfare. The department will hold hearings for collectors who violate the provisions of the law to determine a penalty. A penalty is assessed depending of the severity of the violation, history of previous violations, amount necessary to deter future violations, efforts made to correct the violation, and any other matter that justice requires.

For more information on the current legislation visit [www.capitol.state.tx.us](http://www.capitol.state.tx.us), and enter 1966 for the house bill. Users can download the bill in its entirety as a Word document or as a .pdf.

### Disciplinary Procedures

Bill No. 1966 will impose disciplinary procedures for collectors committing a violation. These are the following violation scenarios and reprimands:

#### Certificate Fraud

1. Obtains a certificate of registration by: fraud, misrepresentation, or concealment of material fact
2. Sells, barter, or offers to sell or barter a certificate of registration
3. Violates a rule adopted by the executive commissioner
4. Violates the rule by performing collections without a certification

#### Investigation

1. Violations of practice
2. Filed complaints with the department related to the collection or testing

#### Probation

1. Report regularly to the department on matters related to the probation
2. Limit areas of practice
3. Continuation of professional education

#### Hearings

An applicant must respond in writing to the department to request a hearing.

#### Emergency Suspension

The department shall suspend a certificate of registration if the certificate holder constitutes a continuing and imminent threat to the public welfare.

## Forward Edge Launches Substance Abuse Professional Services

Editor Ty Weaver

Forward Edge's medical review officer, Dr. Wayne Keller, is offering substance abuse professional services at the company's headquarters. Forward Edge added this service to help employees with the return-to-duty process.

Dr. Keller has practiced as a medical review officer since 1991 and has recently become a substance abuse professional for a variety of clients. A substance abuse professional (SAP) makes recommendations to an employee to complete prior to returning to the job.

The services of a SAP are required when an individual violates a drug or alcohol regulation. The person cannot perform any safety sensitive duties until he or she has completed the

evaluation, referral, and education or treatment recommendations made by the SAP. A SAP evaluation occurs when a donor has a verified positive drug or alcohol result, refuses to test (including the adulterating or substituting a specimen), or any other alcohol or drug violation.

The role of the SAP includes: a face-to-face assessment and evaluation to determine what assistance is needed; referring the individual to an appropriate education or treatment program; conduct a face-to-face follow-up evaluation to determine if there was active participation in the education and treatment program by the individual; provide the designated employer representative with a follow-up drug and alcohol testing plan; and provide the employee and employer with recommendations for continuing education or treatment.

Dr. Wayne Keller offers his substance abuse professional services in addition to Medical Review Support full-time at Forward Edge. For more information on the substance abuse professional services, contact Dr. Keller's office at 713-980-1040.