

NEW PROCEDURES FOR
DEPARTMENT OF TRANSPORTATION URINE COLLECTIONS
EFFECTIVE AUGUST 25, 2008

Changes for Collectors

1. All **return to duty** and **follow up** drug tests must now be observed.
2. The observer in an observed urine collection must request the employee to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist and lower clothing and underpants to show the observer by turning around, that he/she does not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position for observed urination.

Changes for Employees

1. An employee will be deemed to have **refused** a drug test if he or she:
 - a. Fails to follow the observer's instructions to raise his/her clothing above the waist, lower clothing and underpants, and turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process;
 - b. Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or
 - c. Admits to the collector or MRO that he or she adulterated or substituted the specimen.
2. Employees who have medical reasons for providing invalid results, but who require a negative result (on a pre-employment test, for example) will be able to obtain a negative result if a medical exam reveals no signs or symptoms of drug use. Presently, invalids with a medical explanation are simply cancelled. If there is no clinical evidence of drug use, the MRO will report the test as negative, document the medical exam, state why the exam was required and indicate his/her findings. If there is clinical evidence of drug use, the MRO will report the test as **cancelled**, document the medical exam, state why the exam was required and indicate his/her findings. No employee will be deemed to have had a positive result unless the employee actually tested positive on a drug test.

Changes for Employers

1. If you receive a drug test result indicating that the employee's urine specimen test was cancelled because it was invalid and that a second collection must take place under direct observation, **you must ensure that the collector conducts the collection under direct observation.**
2. You must direct a collection under direct observation of an employee if the drug test is a **return-to-duty test** or a **follow-up test.**

Changes for Laboratories

1. Laboratories are now required to conduct specimen validity testing on every sample. The purpose of validity testing is to determine if certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

- Laboratories must now provide semi-annual statistical summaries of their DOT testing to the Department of Transportation.

Changes for MROs

- The rules were revised to make it clearer that there is no split specimen testing available for an invalid result.
- MROs may now verify an invalid test result as cancelled (with instructions to recollect immediately under direct observation) if the employee declines to speak with the MRO or if the MRO is unable to make contact with the employee. Presently, only positive, adulterated and substituted specimens may be cancelled without interviewing the employee.
- If a positive, adulterated, or substituted specimen is also invalid, the MRO will not report the invalid result unless the split specimen fails to reconfirm. If the split fails to reconfirm, the MRO will cancel the test and direct the DER to ensure the immediate collection of another specimen from the employee under direct observation, with no notice given to the employee.
- If a second specimen, collected under direct observation, is invalid for a **different reason** than the first invalid, the MRO will direct the DER to conduct an immediate recollection under direct observation without prior notification to the employee. The MRO is NOT required to first contact the employee to discuss the result.
- If a second specimen, collected under direct observation, is invalid for **the same reason** as the first invalid, the MRO will cancel the test, unless a negative is required; if a negative result is required, the employee will undergo a medical exam for signs and symptoms of drug use.
- If an employee with an invalid test result admits to using a drug, the MRO must report that admission to the DER, and report the test as **cancelled** with the reason noted. No employee will be deemed to have had a positive result unless the employee actually tested positive on a drug test.
- In situations where there are multiple results for the same specimen (i.e. a specimen is positive and adulterated) or where there are multiple results for the same testing event (i.e. the temperature of the first specimen is out of range and a second specimen is collected under direct observation), MROs will report the results as follows:

1ST SPECIMEN	2ND SPECIMEN	REPORT	OTHER?
Multiple non-neg results	--	All non-negative results	
Neg	Neg or Non-neg	2nd	Hold (Do Not Report) the 1st
Non-neg	Neg	1st	Hold (Do Not Report) the 2nd
Non-neg	Non-neg	1st and 2nd	--

General Changes

The DOT modified its definitions to harmonize them with the definitions contained in the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs.

If you have any questions about these changes, please contact us at (804) 346-1010 or e-mail customerservice@pembroke.com.