



DOT Drug & Alcohol Testing Regulatory Update

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Part 40 Amendments

- Final Rule June 08; effective 08-25-08
 - Specimen validity testing mandatory
 - Direct observation procedures for specimen collection modified
 - Changes for MRO interpretation and reporting of multiple invalid specimen results; multiple specimens collected at one testing event; multiple results on a specimen



Specimen Validity Testing (SVT)

- Mandatory for all DOT drug testing
- Minimum SVT requirements for laboratory
 - Creatinine (if less than 20 must also measure Specific Gravity)
 - pH
 - One or more oxidizing agents
- Criteria for adulterated, substituted and invalid remain the same



Invalid Specimens

- DOT has adopted the DHHS guidance to laboratories for what they report as “invalid Specimen”
 - 12 circumstances that require laboratory to report a specimen as invalid
- MRO has responsibility for discussing an invalid result with the certifying scientist before interviewing the donor
 - Purpose of this discussion is to determine if additional testing of the specimen at another laboratory is beneficial



Invalid Specimen

- Donor interview is to determine if there is a medical explanation for the circumstances that rendered the specimen invalid
 - If there is no medical explanation, the test is cancelled and an immediate re-collection under direct observation procedures is required
 - If there is a medical explanation for the invalid specimen (e.g. medication interference), the test is cancelled and there is no recollection of a specimen
- If donor admits to drug use, the MRO must write and sign a statement documenting the donor's admission and report same to DER
 - Test is cancelled
- If donor admits to attempting adulteration, the MRO will report the result as a refusal to test



Direct Observation Collections

- Required in the following circumstances:
 - Donor presents a specimen with temperature out of range
 - Donor presents a specimen that collector believes was adulterated or substituted
 - MRO cancels a test and requires a re-collection of a specimen because-
 - Specimen creatinine was 2-5 mg/dL
 - Specimen was invalid and there was no medical explanation
 - Split specimen was requested and was not available for reconfirmation
- Direct observation procedure provides for more visual scrutiny by observer/collector
 - Donor must position clothing so that the observer can view the donor's body from chest to knees (front & back)—to check for a urine substitution or adulteration device.
 - After inspection, the donor may reposition clothing and provide specimen with observer directly observing the urine leaving the body into the collection container



Multiple Results on a Specimen

- If specimen is both positive and adulterated or substituted, MRO reports both positive and refusal to test determinations for the test
- If specimen is verified as positive and/or refusal to test and is also invalid, MRO does not cancel test or report specimen invalidity
- Positive dilute is reported to DER, however no re-collection is authorized



FMCSA 49 CFR Part 382

- No changes to Part 382 in past 2 years
- Random testing rates for Drug and Alcohol testing for 2009 remain the same (50%-drug, 10%-alcohol)
- Random testing
 - Must do random selections at least 4 times per year
 - Must test all selected drivers during the selection period (quarter, month, etc.)
 - Can only use “alternate selection(s)” if selected drivers are unavailable for the entire selection period (e.g. terminated, laid-off, long term disability, etc.)
 - Cannot give prior notice for random testing—must be tested immediately after being notified



FMCSA 49 CFR Part 382

- Reminders for Part 382 compliance
 - Make sure policy is current
 - Negative dilutes
 - Invalid/cancelled tests
 - Refusal to test definitions
 - Supervisory training documentation for all supervisors of CDL drivers
 - Drug and Alcohol awareness information provided to all new-hire CDL employees
 - Ensure random testing percentage is attained for calendar year
 - Ensure random pool is updated at least quarterly
 - Prior D & A violation check on all employees hired or transferred into a CDL position



Program Resources from DOT

- Best Practices for DOT Random Drug and Alcohol Testing
- Employer Guide to DOT Testing
- Employee Booklet (What Employees Need To Know About DOT Drug & Alcohol Testing)
- DOT Specimen Collection Guidelines

All of the above are available at

www.dot.gov/ost/dapc

