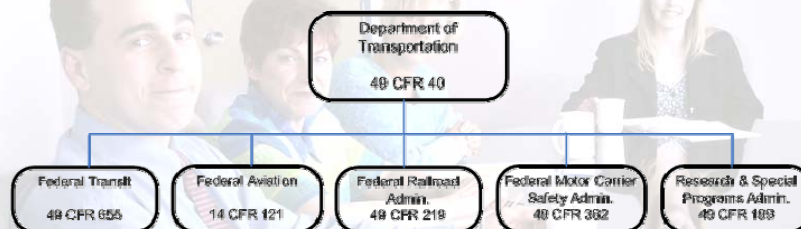


Rules and Regulations

Department of Transportation Modes



DRUG TESTING SERVICES

Midwest
Toxicology Services, Inc.

Rules and Regulations

- FEDERAL MANDATES – 49 CFR
 - PART 40 – All modes
 - Procedures for testing
 - Part 382 - FMCSA
 - Testing Rules & Regulations

DRUG TESTING SERVICES

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Rules and Regulations

Applicability

- CDL License & Drives Vehicle
- Over 26,000 pounds
- 16 More Passengers
- Hazardous Material

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Rules and Regulations

Compliance

- Performing a safety sensitive function – during time
 - Actually performing
 - Ready to perform
 - Immediately available to perform

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Rules and Regulations

Prohibited Conduct - Alcohol

- No use while performing safety-sensitive work
- No use 4 hours prior to duty
- Can not use 8 hours after accident, or until test is completed – which ever occurs first
- Cannot refuse to submit to test

DRUG TESTING SERVICES

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Rules and Regulations

Prohibited Conduct - Drugs

- Cannot report to duty when he/she has used any controlled substance, except prescription
- Cannot report or remain on duty if have confirmed positive
- Cannot refuse to submit to required test

DRUG TESTING SERVICES

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Rules and Regulations

Required Tests

- Pre-employment
- Post-accident
- Random
- Reasonable Suspicion
- Return-to-duty
- Follow-up

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Rules and Regulations

Pre-Employment

- Drug test before beginning safety sensitive function
- Background check of prior drug and alcohol testing records from previous employer(s) for past 3 years

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Rules and Regulations

Post-Accident

- Test for drugs & alcohol if:
 - Fatality
 - Citation plus towing of vehicle
 - Citation plus medical treatment
- Time Requirements:
 - Drug Test - 32 hours
 - Alcohol Test - 2 hours if possible, try 6 more hours (total 8 hours)

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Rules and Regulations

Random

- Testing Rate: 10% to 50%
 - Minimum 50% Drug, 10% Alcohol
- Selection - equal chance each time
- Selections spread out through year
- Once notified report immediately for test
- If selected – Must be tested

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Rules and Regulations

Reasonable Suspicion

- Trained Supervisor
- Based on observations:
 - Appearance
 - Behavior
 - Speech
 - Body odor
- Written Documentation

DRUG TESTING SERVICES

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Rules and Regulations

Return-To-Duty & Follow-Up

- Required after positive or refusal
- Negative test before returning to work
- Minimum 6 follow-up tests after returning to duty
- Follow-up tests can continue up to 5 years

DRUG TESTING SERVICES

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Rules and Regulations

Alcohol Testing Procedures

- Testing Devices from approved list
- Screening Test
- Confirmation Test required if screening test is .02 or higher

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Rules and Regulations

Test Results

- Below .02 - Negative
- .02 - .039
 - Remove from duty 24 hrs
- .04 and above - Positive
 - Remove from duty
 - Refer to SAP

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Rules and Regulations

Drug Testing Procedures

- Test for 5 drugs
 - Amphetamines/Methamphetamine
 - Cocaine
 - Marijuana (THC)
 - Opiates (Codeine – Morphine – Heroin)
 - PCP (Phencyclidine)

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Rules and Regulations

Urine Collection Steps

- Check ID
- Collection Protocol
- Split Specimen
- CCF Procedures
- Transfer to SAMHSA Lab

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Rules and Regulations

Laboratory Testing

- Screening Test
- Confirmation by GCMS
 - if screening test is positive
- Cut-off Levels
- Validity Testing Required

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Rules and Regulations

Validity Testing

- Checks urine for:
 - Specific Gravity
 - Creatinine
 - pH
 - Adulterants
- Determines if specimen is:
 - Diluted
 - Substituted
 - Adulterated

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Rules and Regulations

MRO (Medical Review Officer) Role

- Receives result from lab
- Review each test result
- Interview donor who has report of positive, adulterated or substituted
- Inform donor of retest option
- Report result to DER

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Rules and Regulations

Split Specimen Rules – P. 13

- MRO must inform donor of this right
- Donor has 72 hours to decide
- If donor requests – MRO must order split to be tested
- Who pays for split testing
 - Decided by policy or collective bargaining agreement

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Rules and Regulations

Consequences of Positive Test

- Immediate removal from duty
- Employee must be referred to SAP
- SAP evaluates & recommends program
- Employee completes SAP's recommendation
- 2nd evaluation by SAP – verify satisfactory completion of education/treatment
- Complete RTD test (must be negative)
- Complete follow-up tests (min. 6 – 1 year)
- Required to discipline? Who pays?

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QUESTIONS??

DRUG TESTING SERVICES

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Contact Information

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