

EDUCATING THE WORKFORCE IN SUBSTANCE ABUSE PROGRAM MANAGEMENT

DOT Final Rule

The Department of Transportation is amending its drug testing program regulation to add hydrocodone, hydromorphone, oxycodone, and oxycodone to its drug-testing panel; add methylenedioxyamphetamine as an initial test analyte; and remove methylenedioxyethylamphetamine as a confirmatory test analyte. The revision of the drug-testing panel harmonizes DOT regulations with the revised HHS Mandatory Guidelines established

by the U.S. Department of Health and Human Services for Federal drug-testing programs for urine testing. This final rule clarifies certain existing drug testing program provisions and definitions, makes technical amendments, and removes the requirement for employers and Consortium/Third Party Administrators to submit blind specimens.

“The opioid crisis is a threat to public safety when it involves safety-sensitive employees involved in the

operation of any kind of vehicle or transport,” said Secretary Elaine L. Chao. “The ability to test for a broader range of opioids will advance transportation safety significantly and provide another deterrence to opioid abuse, which will better protect the public and ultimately save lives.”

This rule is effective on January 1, 2018.

For the rule in its entirety, please follow the below link: <https://www.gpo.gov/fdsys/pkg/FR-2017-11-13/pdf/2017-24397.pdf>

Cheating An Oral Fluid Drug Test?

There are numerous attempts by individuals trying to cheat an oral fluid drug test.

Examples include excessively rinsing with antiseptic mouthwash, chewing ice, eating mints, drinking water, aggressively brushing their teeth, tongue, and cheeks. Products are also on the market that claim to clean or “neutralize” saliva. However, to date, **no adulterants** have been found to successfully

mask drugs in an oral fluid test.

Since every oral fluid drug test collection is directly observed, the risk of an individual cheating or tampering with a test is minimized.

A donor’s mouth must be empty (no food, gum, liquids, or tobacco) for at least 10 minutes prior to the start of the drug test.

Trained collectors monitor every step in the process to prevent someone from trying to

introduce anything onto the cotton pad or into the drug test vial. If a donor ignores instructions or misplaces the test wand in his or her mouth, the collector can guide them to make adjustments in order to complete a proper collection.

For complete article and more information: <https://blog.employersolutions.com/ask-the-experts-cheating-an-oral-fluid-drug-test/>

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*When contacted by our MRO, you will need to provide a password:
Indy 500*

Positive Test Reporting

When a Medical Review Officer (MRO) reports a positive drug test result to an employer, telephone is the preferred method of contact (49 CFR Part 40.167(b)(1)). Use of the telephone allows for immediate and unambiguous delivery of important information, enabling the Designated Employer Representative (DER) to promptly remove the employee from safety-sensitive duties. Delivery by other methods (e.g., fax, email) can cause a

delay between the time the result is sent and the time the DER reads it.

It is a best practice for an employer to proactively provide their MRO with the “Employers’ written drug and alcohol policies often misuse the term SAP.” DER’s direct contact information including, their office phone number, mobile number, and any alternative phone numbers. If there is a backup DER, the MRO should have their direct

contact information as well. While a DER should wait for documentation of the MRO’s verified result before taking official disciplinary action relating to the employer’s stated policy concerning a positive drug or alcohol test result, DERs must remember no documentation is required to remove an employee from safety-sensitive duties once they receive a verified result verbally from an MRO.

FTA Drug and Alcohol Regulation Updates Issue 62

Refusal Decision Makers

DOT defines refusal behaviors in Sections 40.191 and 40.261 (drug and alcohol tests respectively). While MROs, evaluating physicians, employers, urine collectors, Screening Test Technicians (STTs) and Breath Alcohol Technicians (BATs) all play roles in determining refusals to test, not all of them make official refusal decisions. It is only MROs, evaluating physicians and employers, who have the final say as to whether or not a refusal occurred.

The Office of Drug and Alcohol Policy and

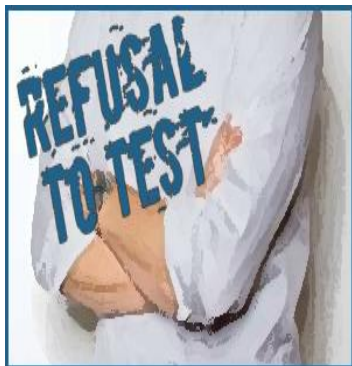
Compliance (ODAPC) publication *What Employers Need to Know About DOT Drug and Alcohol Testing* provides clear guidance on which categories of refusal determinations these stakeholders are responsible for. This information can be found at:

https://www.transportation.gov/sites/dot.gov/files/docs/ODAPC_Employer_Guidelines_%20June_1_2015_A.pdf

When the employer is responsible for making the final decision after being notified of a refusal event from a collector, BAT, or STT, the employer must first immediately remove the

employee from safety-sensitive duties. Next, the employer must review documentation from the collector or technician before verifying if the employee refused to test.

In the rare instance where the employer determines such an event is not a legitimate refusal, they must document their decision and the reasoning behind it. Employers making determinations on collection site refusals are encouraged to consult with their MROs to ensure the correct decision is made.



Vehicle Maintenance



Carriers operating on a financial edge may be strongly tempted to skip the time or the labor expense of routine inspections and maintenance until something actually breaks. They may ask how they can afford this 'extra' expense and/or why they should bother to secure and manage all loads properly. This is not to mention the cost of using qualified mechanics or keeping proper records. The answer is that they can't afford not to. Improper maintenance of vehicles can lead to carriers being flagged for roadside inspections and the resulting costs and delays; and the increased risk of crashes. Here is why compliance is the easy alternative:

Reduced costs

In the long run, maintaining a vehicle is

cheaper than replacing it. A roadside inspection that finds multiple maintenance defects could easily take hours to address. Additionally, the carrier may be fined for each maintenance defect. Revenue is lost from delayed or missed delivery, and the vehicle may also be placed out of service, requiring towing or roadside repair. Properly securing cargo also leads to reduced costs. If a load is not secured properly, it can result in spilled cargo, which leads to lost profits and the potential to have vehicles and drivers placed out of service.

Reduced delays

Scheduled maintenance is precisely that: scheduled. The carrier can plan when the vehicle is out of service, and time it to align with required driver downtime or slow work periods.

Increased resale value

Carriers that can show records of preventative maintenance can often resell their vehicles at a higher price than those that do not have records.

Improved employee retention

If the vehicle is out of service and there are no extra vehicles, the driver has downtime and may seek employment elsewhere. Some carriers offer incentives for employees for violation-free inspections.

Crashes avoided

The ultimate cost, in money and lives, is a fatal crash that could have been avoided through routine inspection and maintenance. Such an event can critically impair a carrier's reputation and finances.

SAP Referral for Pre-Employment Positives

Part 40.287 requires each employee who has a positive drug test, a breath alcohol concentration of .04 or greater, or refuses a test be provided with a list of readily available qualified Substance Abuse Professionals (SAPs). This list should include names, addresses, and telephone numbers of available SAPs.

Employers must provide this information to any applicant for a safety-sensitive position who fails or refuses a DOT pre-employment test.

If SAP referrals are sent through the postal service, it is a best practice to send the letter as certified mail. This provides documentation and assurance the applicant has received the letter.

For a list of Substance Abuse Professionals in your area, go to <http://datcs.com/knowledge-center/substance-abuse-professionals>.



*Retain documentation
by sending the
SAP list via
certified mail.*
