

OHG Standard

"Setting the *standard* in Occupational Medicine"

Winter 2005

Occupational Health Group is a service offered to the business community of North Alabama by Huntsville Hospital and Decatur General Hospital Systems

Life in the Middle: Workplace Drug Testing and the MRO by Joseph L. Rea, M.D.

Drug testing is a kind of balancing act. The process has always been concerned with protecting the medical privacy of individuals while promoting public safety.

One of the original safeguards put in place is the Medical Review Officer or MRO. The MRO is a licensed physician with some knowledge and experience in substance abuse problems. The MRO also trains for special certification in drug testing.

DOT Regulations describe the MRO as an "impartial gatekeeper". That's a fair description. The MRO is really a neutral player trying to interpret the results. The MRO is like a hub connected to all the other parties. Neither the laboratory, the Employer, nor the tested employee communicate when first figuring out a drug test result. But, the MRO talks to all concerned. That is the essence of the MRO, living life in the middle.

If a test shows no drug (s), then the MRO will report a negative result. If the test shows some drug (s) or the lab has experienced difficulty in performing the test then the MRO will first contact the employee and sometimes the laboratory to discuss this result and seek an explanation.

Often the employee is taking prescribed medication, which shows on the drug test. The MRO will ask the employee to provide proof like a prescription or medicine bottle. The MRO may also talk to the personal physician or the pharmacist. Once legitimate use is verified the result is reported to the Employer as negative and patient privacy is preserved.

Even with legitimate use and a negative drug screen, there may still be a problem. Arguably, in greater society, prescription drug use (and abuse) may stand as a larger problem than illegal drug use. Certain medications or their improper use can affect judgment and performance and may be, frankly, impairing. For this reason the MRO tries to determine whether the employee who uses medication poses a safety risk.

This risk may be due to the medication itself or from the condition requiring the medication. If the MRO suspects a safety problem then the Employer is told of this concern. The Employer may choose to limit aspects of the safety-sensitive function performed by the employee until the problem can be worked out. The MRO may speak to an individual's personal physician to see, for example, if the medication can be changed to one that does not make the patient medically unqualified or does not pose a significant safety risk. These maneuvers by the MRO are intended to confront the bigger question of safety. The MRO is not limited to merely reporting a drug test result.

The MRO must also question the employee about drug screens, which were not testable by the laboratory because the urine, itself, was uncharacteristic. The sample may contain elements, which are either not found in normal human urine or are in unusual amounts. The abnormal specimen could be due to a possible disease process, such as a kidney problem, or possibly from the donor tampering with the specimen by adding an adulterant to confound the laboratory testing process. All this has to be sorted out by the MRO.

The effort is not always appreciated. I had an experience where a local employer was adamant that he, alone, would speak to his employees about their drug use and that all reports should be directed to him for that purpose. I tried to explain the accepted drug testing guidelines and why I was involved as the MRO but, it turned out to be a short phone call with an abrupt click on the other end of the line. Nonetheless, I did appreciate the valid points this employer raised. The employer needs to be expeditious and needs to be concerned about safety. The MRO helps address this need.

Using an MRO is one means of supporting a drug testing program and keeping it more fair, thorough, and resilient to legal attack. It can find a place in the middle of your drug testing program, too.

OHG Directory

Administration.....	(256) 922-6675
Marketing and Business Development.....	(256) 922-6677
Billing Department.....	(256) 922-6673
OHG - Huntsville.....	(256) 265-7000
OHG - Madison.....	(256) 774-7300
OHG - Decatur.....	(256) 353-4325
Wellness Services.....	(256) 922-6699

Please visit our website by clicking on the following link:

www.OHGonline.org

Holiday Closings



All OHG clinics will be closed in observance of the following holidays:

Thanksgiving	November 24 & 25
Christmas	December 23 & 26
New Year's	Open until 2:00 p.m. December 30 & closed all day January 2



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How Employers Benefit by Conducting Post Offer Evaluations

Take a moment and think about your new applicants and the jobs in your company. During an interview process, the Human Resource Department personnel are tasked with assigning applicants to sometimes physically demanding jobs, but at the same time, are limited from asking medical questions which are critical in making the right placement decision.

Consider the following situations and if your company has considered how a pre-placement, post-offer examination would be beneficial in job placement and avoiding injuries or unnecessary risks:

- An accident occurs at work, how would you know that an applicant applying for the job driving a forklift or working in the maintenance department repairing the roof, had an uncontrolled seizure disorder?
- An accident occurs at work; how would you know that an applicant who will be working around machinery is taking prescription narcotic medications on an as needed basis (but not during the pre-placement drug screen testing) and that the medications known side effect is sedation?
- How would you know that an applicant, who is going to be placed in a heavy lifting job, had a prior workers' compensation claim involving an impairment reward of his back, and may aggravate his condition if he does all the essential functions of the job? Also, is your company familiar with Alabama Workers' Compensation law, which states "the employer is only liable for the disability that would have resulted from the accident..." (concerning increased disability because of a preexisting injury)?
- Is your company familiar with the Alabama Workers' Compensation law which authorizes an employer to possibly deny a workers' compensation claim if the individual has signed, at the time of the post-offer evaluation, the mandatory statement - "misrepresentation as to pre-existing physical or mental conditions may void your workers' compensation benefits?" Aggravations of pre-existing

non-disclosed conditions may be denied resulting in significant economic benefits to the employer.

Companies are always interested in how to save money while promoting safety for their employees. After most on-the-job injuries, employers assess why and how the event occurred. Sometimes, the job was not matched to the physical abilities of the employee. Commonly, the applicant's past medical history is discovered and other medical conditions are revealed which, if known previously, could have decreased the likelihood of a future injury. Therefore, employers are now looking at post-offer, pre-placement physical examinations by a physician. These exams are also compliant with the American Disabilities Act. The purpose of the physical and medical history questionnaire is to determine if the applicant is best-suited physically for a position, fitting the worker to the job, and simultaneously decreasing future workers' compensation incident rates.

Post-offer examinations are best performed by a physician, with occupational medicine and workers' compensation experience. The physician can determine if an applicant has any medical condition which could be aggravated by the job duties or which may affect the health and safety of the applicant or other co-workers. Information about functional limitations, accommodations, and job duties can be discussed with the employer once the examination is completed. Sometimes Functional Capacity Evaluations (FCE) by physical/occupational therapists or physical agility/fitness tests (which the American Disability Act allows) to test an individual's physical characteristics and limits can be done as well to assess job performance and simulation. From both the employers' and employees' perspectives, post-offer physical examinations encourage good communication about the essential functions of the job duties. At the same time, an examination is considered "an ounce of prevention (before an injury) versus a pound of cure (after an injury)". The physicians at Occupational Health Group specialize in examinations which help a company's "bottom line" and the safety of their employees.

Flu Vaccine Delays

We at OHG would like to thank all of our customers for their patience and understanding during the recent flu vaccine delay. We have been working very diligently to receive our flu vaccine orders from our distributors. Unfortunately, due to circumstances beyond our control, we have had to postpone all of our on-site flu clinics. Please know that your business is very important to us and keeping your employees healthy is our top priority.

For more information regarding this matter, please go to the following internet link:

<http://www.ohgonline.org/events.html>

If you have any questions, please contact Wellness Services at (256) 922-6699.

New Physician Joins OHG

Eric J. Roth, M.D., is OHG's



most recent addition to our family of clinics, joining OHG as a full-time physician in September of 2005.

Dr. Roth had been working part-time for OHG since 2004. Dr. Roth graduated from the University of Texas

Health Science Center in Houston, Texas and completed his residency at the Columbus Family Practice Residency program in Columbus, Georgia. Dr. Roth is board certified in Family Practice. He is a certified Medical Review Officer and is currently completing coursework and experience criteria to become an FAA flight medical examiner.



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