

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

UPDATED: What Drug Screening Choices Does My Company Have?

by James F. Gauthier, M.D., M.P.H. and R. Michael Lowery M.D., M.P.H.

Before this question can be answered the following four questions must be answered:

1. Does your company employ truck drivers or others considered by the federal government to be in safety sensitive positions?
2. Is testing being performed to comply with Alabama’s Workers’ Compensation laws?
3. Is your company currently receiving, or does your company plan on applying for the 5% Workers’ Compensation insurance premium discount by submitting an application as described in the Alabama Drug-Free Workplace Act?
4. Is your company obtaining the drug testing for another reason?

Urine drug testing performed in compliance of the Department of Transportation or other federal regulations is called ‘regulated testing’. Regulated testing is a stricter model developed by the federal government to test individuals in safety sensitive jobs or positions. Examples of safety sensitive positions include commercial drivers, airline employees, railroad employees, Coast Guard members, research and special projects employees and mass transit employees. Testing individuals who work in jobs overseen by federal agencies require the use of a special “federal” chain of custody form. Reasons for testing can include pre-placement (post-offer), post-accident, suspected impairment (for cause), and random testing. Currently, urine drug testing is the only method allowed under “regulated” testing.

Regulated testing is the gold standard for drug screening. It has several safeguards to ensure quality and accuracy. These include specified collection procedures with a tight chain of custody, use of certified testing laboratories, procuring split samples, and test interpretation by a Medical Review Officer (MRO). Test results, both negative and positive, must be reviewed by the MRO.

Guidelines governing non-regulated testing originate from state law (e.g., Alabama’s Workers’ Compensation laws or the Alabama Drug-Free Workplace Act) or employer specific policies. For example, in non-regulated testing an expanded set of drugs can be used, a MRO may or may not be used, or rapid urine drug screening or hair testing can be utilized.

Non-regulated testing should always be implemented on the basis of a written company policy, and in accordance with applicable state laws. Non-regulated testing must use a non-federal COC (chain of custody) form. It should be remembered that the farther one deviates from the methods employed under federally regulated testing, the more difficult that practice may be to legally defend in court.

What is a Rapid Screening Test?

This screen, typically performed on site or in a clinic, uses a color indicator to provide a test result in a matter of minutes. Several drugs may be tested. The standard panel can be the “NIDA-5” (cocaine, marijuana, amphetamine, opiates and PCP). Some employers use an expanded drug panel that may include seven, ten or more drugs.

There are some disadvantages to rapid screening. The accuracy of rapid screening suffers in comparison with more sophisticated tests, yet some employers accept the reduced accuracy for the quick result. Rapid screens, whether done in the Occupational Health Group clinic or in a lab, will produce a certain number of false negatives (negative results on a truly positive specimen), and false positives (positive results on a truly negative specimen). Because of the sheer number of negatives, false negatives do not undergo further confirmation testing. Due to the importance of not falsely accusing an individual as an illicit drug user, all positives should undergo further testing by a confirmation process, as in the case of “regulated” testing.

OHG sends all rapid non-negative urine drug specimens to a certified testing laboratory for confirmation testing. Usually, the lab confirms what the rapid test results have identified as positive, but a significant percent fail to confirm and, therefore, are reported as negative by the lab. In summary, some positives are missed by the screen and a drug user slips through, but all results reported as positive have been confirmed by a second process and are really true positives. The question only remains for the MRO to decide if the positive is a “legal positive” (the donor has a medically legitimate explanation, for example a legal prescription for the drug in their system).

Why pay extra for MRO services when it may not be mandated?

The MRO personally contacts positive donors to determine if a medically legitimate explanation exists for the positive test result. If it does, the MRO reports the result as negative. If it doesn’t, the MRO reports positive results. In Alabama, cocaine, opiates, and amphetamines may be used legally under doctor’s orders. Imagine the fallout if a donor is disciplined or terminated for a positive screen due to the use of a prescribed drug! The MRO’s purpose is to make sure this doesn’t happen.

There are several alternative drug testing methodologies that are available to employers. Perhaps the most useful is hair testing. It is probably best used for pre-employment and random drug screening when issues of regulated testing are not a consideration. In the end, unless regulated by the Federal Government or The Alabama Drug-Free Workplace Act, the final determination is left to the employer.

Differences Between Federally Regulated, State Mandated and Non-Regulated Testing				
	DOT (Regulated Testing)	Worker’s Compensation Laws	Alabama Drug-Free Workplace Act	Employer Specific Policies
Use of Rapid Drug Screens Permitted?	No	No	No	Yes
Use of Expanded Panels Permitted?	No	Yes	Yes	Yes
Mandates use of MRO	Yes	No ¹	No ¹	No ¹
Saliva, Sweat or Hair Testing Permitted?	No	Yes ²	Yes ²	Yes

1 Making personnel decisions (e.g., withdrawing offer of employment, disciplining or terminating employees) based on positive results without MRO involvement is legally risky and not recommend.
 2 Code of Alabama 25-5-331 (4) and Alabama Administrative Code Rule 480-5-6-.03 both define what constitutes a specimen, which may be other than urine. The rule states the preferred method is urine.



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OHG Offers Substance Abuse Training for Supervisors and Employees

Employers today are very aware of the costs that are involved when an employee is a substance abuser, not just in potential injuries, but in lost work time, possible damaged equipment, unsafe work environment for the other employees, but also the general medical costs in possible rehabilitation. It is therefore very important that employers and employees have someone trained to notice the possible signs and symptoms of substance abuse. Occupational Health Group offers a drug and alcohol awareness program for those individuals closest to the workforce....the supervisors and the employees.

A required educational component of the Alabama Drug Free Workplace Program, the presentation outlines the role of the supervisor in:

- Developing a basic knowledge of the effects of commonly abused drugs.
- Understanding the 4 key indicators of drug abuse.
- Learning how to intervene in problem situations.
- Understanding how to protect employee's confidentiality.
- Learning how to avoid enabling and common supervisor traps.

If you would like to have OHG present to one of your association or employer meetings, please contact OHG's Marketing Department at (256) 922-6677 for Huntsville and Madison, and (256) 353-4325 for Decatur.

Reasonable Suspicion Testing Key Points

- Only Supervisors trained in the signs and symptoms of probable drug use and alcohol misuse can "make the call to test".
- Gut feelings, hunches, gossip and rumor are not legitimate cause for referral to testing.
- Remember, it is not a supervisor's job to try to determine what substance a covered employee may be using.
- Documentation of the signs and symptoms observed is critical to the integrity of the supervisor's referral.
- It is imperative that reasonable suspicion decisions be made quickly and correctly based on the objective facts that are present at the time of observation.
- If possible, ask another trained supervisor to observe the employee's behavior.
- Approach the employee discreetly and with respect.
- Conduct interview behind closed doors.

OHG Adds Drug Screen Info to Website

OHG is very excited to add a Drug Screening page to our website. This page will offer our visitors various information regarding Drug Screening. The new page contains information and links on:

- The Alabama Drug-Free Workplace Program
- Drug Detection Periods of legal and illegal drugs in the body
- "Points to Remember" and "Mistakes to Avoid" when creating a Drug Free Workplace
- D.O.T. information.

The page also links to previous articles which appeared in our newsletter, The Standard, that pertain to various drug screening information such as:

- "Pro's and Con's of Various Drug Screening Methods"
- "Passive Inhalation of Marijuana Smoke and Urine Test Results"
- "Life in the Middle: Workplace Drug Testing and the MRO"

To visit our new page, go to <http://www.ohgonline.org/drug.html>.

OHG Physician Presentations



OHG physicians, Dr. James Gauthier and Dr. Michael Lowery, each gave a presentation recently on the popular topic "Distinguishing Between Work Related and Pre-Existing Medical Conditions".

On March 27th, Dr. Lowery presented the topic to 300 insurance adjusters from across the southeast during the Alabama Department of Industrial Relations Worker's Compensation Seminar in Birmingham.

On April 15th, Dr. Gauthier presented to an audience of 80 safety and HR personnel, occupational medicine nurses, and case managers during the National Safety Council's local monthly meeting.

The presentation was one of the largest attended at the National Safety Council, and registration had to be halted 2 days after it began.



OHG would like to thank both the Alabama Department of Industrial Relations and the National Safety Council for giving us the opportunity to present.

MARK YOUR CALENDAR - Dr. Gauthier will be the guest speaker for the Tennessee Valley Chapter of the Society of Human Resource Management luncheon on May 14, at the Holiday Inn in Decatur. The presentation, "Drug Testing in the Workplace" will be from 11:30 - 1:00 and is open to all employers who have an interest in drug screening. Seating will be limited, so watch your e-mail for upcoming registration information.

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Holiday Schedule

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

Memorial Day Monday, May 26th

July 4th Friday, July 4th

Labor Day Monday, September 1st

www.OHGonline.org



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