



DRUG SCREENS PLUS

WELCOME

What is a TPA?

- The TPA (Third Party Administrator), often referred to as a Consortium, (C/TPA) is a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services.



Drug Screens Plus

Federal (regulated) vs. Forensic (non-regulated)

DOT Agencies

- FMCSA (Federal Motor Carrier Safety Administration)
- FTA (Federal Transit Administration)
- FAA (Federal Aviation Administration)
- FRA (Federal Railroad Administration)
- PHMSA (Pipeline & Hazardous Materials Safety Adm)
- USCG (United States Coast Guard)

Drug and Alcohol Testing

Federal Motor Carrier Safety Regulations, Part 40 and 382

Summary

Federal Regulations requires persons holding a Commercial Driver License (CDL) and who operate a commercial motor vehicle (*as defined in the Federal Motor Carrier Safety Regulations, Part 382*) to be tested for controlled substances and alcohol. These rules apply to both interstate and intrastate drivers.

For drug and alcohol testing purposes a commercial motor vehicle is defined as 1) a vehicle with a combined gross vehicle weight rating of 26,001 lbs or more, 2) a vehicle designed to carry 16 or more passengers, and/or 3) a vehicle that is required to post a hazardous material placard.

Reasons for Testing

- Pre Employment
- Post Accident
- Reasonable Suspicion
- Return to Duty
- Follow Up
- Random

What determines the random rate?

Based on the controlled substances random test data in the Management Information System (MIS) for calendar years 2014, 2015, and 2016, the positive rate for controlled substances random testing must stay below the 1.0 percent threshold for 2 consecutive calendar years.

2019 RANDOM TESTING RATES

DOT Agency	2019 Random Drug Testing Rate	2019 Random Alcohol Testing Rate
Federal Motor Carrier Safety Administration [FMCSA]	25%	10%
Federal Aviation Administration [FAA]	25%	10%
Federal Railroad Administration [FRA]-MOW	25% 50%	10% 25%
Federal Transit Administration [FTA]	50%	10%
Pipeline & Hazardous Materials Safety Administration [PHMSA]	50%	N/A
United States Coast Guard [USCG] <i>(now with the Dept. of Homeland Security)</i>	50%	N/A

How long will FMCSA remain at 25%?

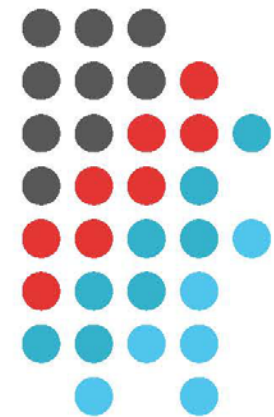
- In accordance with 49 CFR 382.305(e)(2) if , in the future, the reported positive rate for any calendar year is equal to or greater than 1.0 percent, the FMCSA Administrator will increase the minimum annual percentage rate for random controlled substances testing to 50 percent of all safety-sensitive positions.

Drug and Alcohol Clearinghouse

- FMCSA published the Final Rule in the Federal Register on December 5, 2016.
- Database of DOT positives, refusals or other violations of the drug and alcohol testing requirements.
- The rule went into effect on January 4, 2017.
- FMCSA has 3 years to implement the rule and create the database – January 6, 2020.

Final Rule: Commercial Driver's License Drug and Alcohol Clearinghouse

Federal Motor Carrier Safety
Administration

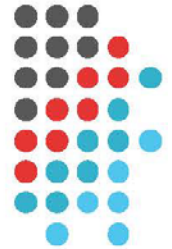


Overview of the Clearinghouse Rule



- The Drug & Alcohol Clearinghouse will be a database containing CDL drivers' drug and alcohol program violations.
- It will also contain information about whether a driver has successfully completed the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Clearinghouse requirements fall into two major categories:
 - Reporting and
 - Querying

Reporting



- Employers, consortia/third party administrators (C/TPAs) and/or medical review officers (MROs) will be required to report drug and alcohol testing program violations to the Clearinghouse.
- SAPs will be required to report information about drivers undergoing the mandatory return-to-duty drug and/or alcohol rehabilitation process.
- Each time information is added to, modified or removed from the Clearinghouse, FMCSA will notify the affected driver.
 - To receive electronic notification, drivers will have to register with the Clearinghouse

Querying



- Employers will be required to query the Clearinghouse for covered drivers for two purposes:
 - Pre-employment screening
 - Annual verification
- Pre-employment
 - Purpose: to ensure that the prospective employee is eligible to drive.
 - Query-type: full queries would be conducted which means that FMCSA must verify specific driver consent prior to releasing information.
- Annual Queries
 - Purpose: to ensure that a driver did not violate the drug and alcohol program with another employer.
 - Query-type: limited queries to determine whether any data exists for a driver would be allowed and will only require general driver consent, subject to FMCSA audit.

Querying: Continued



- A limited query only identifies whether information about the driver exists in the Clearinghouse and will not result in release of any driver information.
- If the limited query shows a driver record in the Clearinghouse, the employer would be required to run a full query, triggering FMCSA verification of specific driver consent before releasing information.
- Drivers refusing consent will not be able to perform safety sensitive functions such as driving a commercial motor vehicle.
- Information regarding the driver will be accessible to employers for a minimum of 5 years. If the driver does not satisfy the mandatory return to duty requirements, the information will remain accessible to employers indefinitely.⁵

Querying: Continued



- State driver licensing agencies will also be required to query the Clearinghouse when a State-licensed driver obtains, renews, upgrades, or transfers his or her CDL.
- The National Transportation Safety Board (NTSB) will be able to access Clearinghouse information for drivers involved in a crash under investigation by the NTSB.

Fees



- There will be no fees for a driver to access their own record in the Clearinghouse.
- Motor Carriers will pay a fee to query the Clearinghouse. The fee amount has not yet been determined, but will include options for subscription and batch use.

What's in a query?

- Limited – Notice of whether information for the driver exists in the clearinghouse
 - This would be done on an annual basis
 - Full – Information on a driver's drug and alcohol test results
 - This would be done on a pre-employment and if something came up on the annual limited
- *All queries must be retained for 3 years

Employer Responsibilities:

- Full query on a pre-employment before the driver would be able to drive.
- Complete an annual limited query on each driver.
- Report any positive test results
- Report any refusals to test not requiring MRO determination.
- Report citations involving D & A in a CMV.
- Report negative return-to-duty test results.
- Report the completion of follow-up testing.

Reporting Information

- Employers must use their USDOT number
- Drivers will be identified by their license number and state of issue
- FMCSA must notify driver when information has been added, revised or removed
- FMCSA must notify driver when information has been released to an employer and specify the reason for the release

What will this cost?

- Total Cost per Driver on average \$13.22
 - A full query would cost \$5 and a limited query would cost \$2.50
 - The proposal estimates a cost of \$8.05 per driver, per year for reporting, record keeping and other compliance
 - Drivers would have free access to review any information that exists on them
- *estimates based on the proposal in the register

UPDATED RULE CHANGES

- Added a new provision to indicate that only urine specimens are authorized to be used for drug testing under Part 40
- Remove Part 40 provisions that reference and require blind specimen testing
- Redefine the word “prescription” as a “valid prescription under the Controlled Substance Act.”

UPDATED RULE CHANGES

- New DOT Custody and Control Forms were approved
 - New forms were not to be used before 1/1/18.
 - Old forms may be used through 6/30/18
 - Removed the check box for DOT-Specify DOT Agency in step 1.
 - Added the synthetic opioids and removed MDEA in step 5.

Y38282353

LAB USE ONLY

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

SPECIMEN ID NO.

ACCESSION NO.

A. Employer Name, Address, I.D. No.

B. MRO Name, Address, Phone No. and Fax No.

NAME: _____
ADDRESS: _____

528251

JOHN BUDNICK, DO
DRUG SCREEN PLUS
3625 CLYDE PARK SW, STE B
GRAND RAPIDS, MI 49509-9012
PH 800-459-9012 FX 616-831-9561

C. Donor SSN or Employee I.D. No.

D. Specify Testing Authority: HHS NRC Specify DOT Agency: FMCSA FAA FRA FTA PHMSA USCG

E. Reason for Test: Pre-employment Random Reasonable Suspicion/Cause Post Accident Return to Duty Follow-up Other (specify) _____

F. Drug Tests to be Performed: THC, COC, PCP, OPI, AMP THC & COC Only Other (specify) _____

G. Collection Site Address: _____
Collector Phone No. _____ Collector Fax No. _____

STEP 2: COMPLETED BY COLLECTOR (make remarks when appropriate) Collector reads specimen temperature within 4 minutes.

Temperature between 90° and 100° F ? Yes No, Enter Remark _____ Collection: Split Single None Provided, Enter Remark _____ Observed, Enter Remark _____

REMARKS

50517

STEP 3: Collector affixes bottle seal(s) to bottle(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY TEST FACILITY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, labeled, sealed and released to the Delivery Service noted in accordance with applicable Federal requirements.

Signature of Collector
(PRINT) Collector's Name (First, MI, Last)

Time of Collection AM PM
Date (Mo./Day/Yr.) _____

SPECIMEN BOTTLE(S) RELEASED TO:

Name of Delivery Service Transferring Specimen to Lab
 FedEx Local Courier
 Other _____

RECEIVED AT LAB OR IITF:

Signature of Accessioner
(PRINT) Accessioner's Name (First, MI, Last) _____ Date (Mo./Day/Yr.) _____

Primary Specimen Bottle Seal Intact
 YES NO
If NO, Enter remark in Step 5A.

SPECIMEN BOTTLE(S) RELEASED TO:

STEP 5A: PRIMARY SPECIMEN REPORT - COMPLETED BY TEST FACILITY

NEGATIVE **POSITIVE for:** Marijuana Metabolite (Δ 9-THCA) Methamphetamine MDMA 6-Acetylmorphine OXYC HYC DILUTE Cocaine Metabolite (BZE) Amphetamine MDA Morphine OXYM HYM PCP Codeine
 REJECTED FOR TESTING ADULTERATED SUBSTITUTED INVALID RESULT

REMARKS: _____

Test Facility (if different from above): _____

I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed, and reported in accordance with applicable Federal requirements.

Signature of Certifying Technician / Scientist (PRINT) Certifying Technician / Scientist's Name (First, MI, Last) _____ Date (Mo./Day/Yr.) _____

STEP 5b: COMPLETED BY SPLIT TESTING LABORATORY

Laboratory Name

Laboratory Address

RECONFIRMED FAILED TO RECONFIRM - REASON _____
I certify that the split specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed and reported in accordance with applicable Federal requirements.

Signature of Certifying Scientist (PRINT) Certifying Scientist's Name (First, MI, Last) _____ Date (Mo./Day/Yr.) _____

SPECIMEN ID NO.



A - SPECIMEN 30 ML



A-30 ML

Date (Mo. Day. Yr.)

Donor's Initials

B SPLIT SPECIMEN



B-15 ML

Date (Mo. Day. Yr.)

OMB No. 0930-0198

PLEASE HAND - YOU ARE MAKING MULTIPLE COPIES

Form A13A53 (03/18)

UPDATED RULE CHANGES

- The DOT drug testing panel is to include:
 - Hydrocodone – Vicodin, Norco, Zamicet
 - Hydromorphone – Dilaudid, Exalgo
 - Oxycodone – OxyContin, Percocet
 - Oxymorphone – Numorphan, Opana
 - MDA as an initial test analyte
 - Removal of MDEA

Employer Impact

- The 4 new drugs that the DOT added to the testing panel are all commonly used as pain prescriptions under the class of synthetic opioids.
- The synthetic opioids are all listed as schedule II drugs.
- A lab positive test result, where the employee has a valid prescription, will still be reported to the employer as a negative test result, but...

Notice of Significant Risk

The negative test result may be followed by a Notice of Significant Risk.

A Notice of Significant Risk is issued if the MRO determines that the medications prescribed to the employee may pose a significant safety risk for an individual that performs safety-sensitive duties.

This process has long been in the regulations.

Notice of Significant Risk

- When the MRO conducts his interview with the employee and determines that the employee has a valid prescription for the lab positive test, the MRO will report the test as negative to the employer.
- If the MRO feels that there is an additional safety concern with the employee's medication and job responsibilities.....

Notice of Significant Risk

- The MRO will provide the employee with up to 5 business days to either:
 - produce a letter from the prescribing physician that states the employee may still perform all safety sensitive duties while on this medication, or
 - have their prescribing physician contact the MRO to determine if either the medication can be changed to one that does not pose a significant safety risk.

Recreational and Medical Marijuana

- Allow individuals 21 and older to purchase, possess and use marijuana and marijuana-infused edibles, and grow up to 12 marijuana plants for personal consumption.
- Impose a 10-ounce limit for marijuana kept at residences and require amounts over 2.5 ounces be secured in locked containers.
- Create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.
- Permit retail sales of marijuana and edibles subject to a 10% tax, dedicated to implementation costs, clinical trials, schools, roads, and municipalities where marijuana businesses are located.
- Change several current violations from crimes to civil infractions.

Michigan Proposal 1

The proposal was approved on November 6, 2018 with 56% in favor.

The possession and use of marijuana became legal on December 6, 2018.

Department of Licensing and Regulatory Affairs (LARA) has until December 6, 2019, to begin accepting applications for stores/retailers.

Employer Protections

- 3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marijuana.

Employer Protections

- This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.



Thank you for Attending

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