

**Local Government Insurance Trust****RISK MANAGEMENT BULLETIN**

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**New Rules on Pre-Employment Testing**

The Department of Transportation (DOT) has amended its policy concerning insufficient urine specimen volume and pre-employment drug testing. The new policy states:

If otherwise qualified, individuals with permanent or long-term disabilities that directly render them unable to provide an adequate urine specimen will be able to perform safety-sensitive duties in the transportation industry despite their inability to provide the requisite amount of urine during a pre-employment drug testing event.

Up until now, a donor was required to provide at least 45 ml of urine within three hours of the first collection attempt. The new procedures to be administered to comply with the new policy are as follows:

- Section 40.25(10)(iv)(B) directs employers to have the individual evaluated by a licensed physician to determine if “a medical condition has, or with a high degree of probability, could have precluded the employee from providing an adequate amount of urine.” If a medical condition exists, the failure to provide an adequate amount of urine is not considered a refusal to test. However, the rules require the Medical Review Officer (MRO) to report the test as canceled rather than a negative test.
- After a medical condition has been determined to be the cause of an inadequate specimen and has been documented as being a permanent or long-term condition, the MRO must examine the donor for clinical evidence of drug abuse. The MRO must also consult with the donor’s physician or the physician that determined a medical

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condition exists to render the donor unable to provide an adequate specimen. If the MRO cannot personally conduct the exam, the MRO must arrange to have one conducted by a licensed physician that is suitable to the employer.

- If no clinical evidence of drug abuse is found during the medical examination, the MRO will report the result as negative. Written notations regarding both medical examinations — one determining that a permanent or long-term medical condition exists and the other determining that no signs and symptoms of drug abuse exist — will be included with the test result.
- If clinical evidence of drug abuse is found during the medical examination, the MRO will report the test as canceled. Written notations regarding both medical examinations — one determining that a permanent or long-term condition exists and the other determining that signs and symptoms of drug abuse do exist — will be included with the result.

If you have further questions regarding this matter, please contact Vance Petrella or Pam Morrison at 1-800-673-8231.

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