

Reprinted from DATIA Focus - Eliminate Mistakes Before Your Collection Audit - Summer 2014

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The FAA and FTA often audit collection sites. Audits are a good thing because if you find out what your collectors are doing wrong, you can make the appropriate corrections and get the appropriate training completed. When collectors are appropriately trained, this can eliminate mistakes that cause non-compliance and fatal flaws.

You might remember in 2007 the media exposed procedural errors in direct violation of the testing procedures defined in 49 CFR Part 40. An NBC Nightly News story, which aired on November 1, 2007, reported the findings of a Government Accountability Office (GAO) undercover investigation that found it was surprisingly easy to cheat on random drug tests. The story aired on many other media outlets including FOX news. These news reports were aimed specifically at truck drivers. The box on page 10 lists a summary of those findings. Investigators used bogus identification to initiate the testing process in all (100 percent) of the 24 sites investigated, demonstrating the ease at which safety-sensitive employees can send other (presumably drug-free) individuals to take the tests for them. Only two of the 24 sites correctly followed all of the remainder of the testing procedures tested by the investigators. The remaining 22 (91.7 percent) had two or more serious protocol violations.

Having reviewed over 100 audits performed over the past 12 months, collection sites are doing better but there are still issues that can certainly be corrected if collection site operators would pay more attention to DOT training requirements. (Note: The author conducted many of these audits and DATIA Certified Professional Collector Trainers (CPCT) conducted others. Audits have been conducted on fixed-facility collection sites and on mobile collectors performing on-site collections, sometimes during daytime hours and sometimes after hours. Audits were conducted in multiple areas around the United States. An audit checklist is utilized to verify that the collection is performed properly.)

Qualification training as a DOT specimen collector is not difficult to obtain, but it is also not a quick and easy process for a new collector. When training new collectors, I find there is a minimum 6-hour training process and mock collections always take at least two hours. Typically collectors that have not been trained properly are the ones we see making errors in our audit situations.

So what are we finding on current audits? You might be surprised at some of these findings.

- Very commonly, prior to the collection, the collector fails to explain collection procedures or show the instructions on the back of the CCF. It is important to review 49 CFR Part 40 Section 40.61 with your collectors—(e) Explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF.
- A collector becomes familiar with the donor after 12 follow up tests and neglects to check the donor's ID. In addition the procedures for direct observation are not followed

properly. Familiarity does not grant the collector a pass to not follow strict collection procedures. Always perform the collection the same way every time with every donor.

- A collector throws away the first temperature out-of-range specimen and all paperwork when a frustrated donor leaves stating “I don’t have time for this” in the face of the Shy Bladder process. This, of course, is a major issue because now there is no documentation of anything that occurred. The correct process would be for the collector to retain the CCF paperwork with complete documentation of what happened, distributing the Medical Review Officer (MRO) Copy and employer copy to the MRO and to the employer. With only one specimen collected that is out-of-temperature range, nothing would be sent to the lab.
- In another temperature out-of-range situation, the collector starts the second collection process immediately after receiving the first specimen. Upon receiving the second specimen, the collector pours off the specimen into the four specimen vials and fills out the Custody and Control forms (CCF) simultaneously. Of course what happens is that the specimen seals are put on the incorrect bottles and at the lab the specimen ID numbers on the bottles do not match the specimen ID numbers on the CCF forms.
- The practice of altering a form when the correct form is not available seems to come up often in our audits. Some collectors think that the Department of Transportation (DOT) does not allow the form to be altered. 49 CFR Part 40 Section 40.45 clearly states that you can. Other collectors, when altering forms, do not alter the forms properly. DOT is clear that when the collector has no “blank” CCFs and the CCFs on-hand contain inaccurate pre-printed employer, MRO, collection site, and/or laboratory information, the collector is permitted to “line through” the inaccurate information and insert legibly the proper information. I always advise collectors to be as neat as possible when altering a form and provide the correct account number for the test. The collector should also “line through” barcodes on the form so that at the laboratory the new printed information is utilized.
- Pre-filling out the CCF was very common in our auditing as well. Collectors like to pre-date the specimen security seals, preprint the collector name, date and time on Step 4; and in some cases pre-sign on Step 4. In one large mobile collection event I audited, the two collectors handed out the CCF forms to 35 donors and asked them to initial the specimen security seals and complete Step 5 in its entirety. I cannot tell you how messed up this collection became with 4 fatal flaws and 12 correctable errors.
- Several audits revealed collection sites that do not properly secure the bathroom to be used for the collection. Some sites have made a half-hearted attempt at this with partial security and integrity measures, and some simply do not make any attempt at all. One collector used bleach as the bluing agent for the toilet. I always highly recommend the DOT 10 Steps to Collection Site Security and Integrity Video and the DOT 10 Steps to Collection Site Security and Integrity poster. Both are available from DOT at www.dot.gov/odapc and both are excellent tools to help a facility learn how to properly secure a restroom for a DOT urine specimen collection.
- Lastly, some alcohol testing collection sites did not have an evidential breath alcohol testing device on hand. An instant alcohol test device was used and when tested positive (with mouthwash); there was no mechanism for the collection site to perform the required confirmation testing. This was really a disaster as the collection site sent me on my way in my car after their knowledge that I was at a .09 alcohol level. They were lost as to how to properly arrange for the required confirmation testing.

As mentioned, the incorrect practice of filling out Step 4 of the CCF prior to starting the collection and pre-dating the security seals is still common in the specimen collection industry. There are no shortcuts in the collection process; shortcuts lead to errors. The steps of the collection process should be followed in order; and, remember, the DOT specimen collection order is 1,2,3,5, and 4. If the steps are filled out properly, and in order, the percentage of mistakes that occur declines significantly. It is important to take your time with a collection and not take shortcuts; taking your time leads to perfect collections.

The Federal Transit Administration (FTA) is particularly aggressive on collection audits. FTA maintains a full-fledged clandestine collection site inspection program. Reports from April 2014 from the FTA indicate that 10 percent of collection sites audited showed critical failures. Most common findings included not checking identity of donor, not checking pockets, and not requiring hand washing. These are easily correctable errors; review these items with your collectors today.

Several large collection services have begun doing internal audits. The bottom line is proper training of collectors; and, of course, to take the DOT required refresher training and proficiency demonstration every five years.

Why is all of this so important? There are several reasons. We hear often that the collector or collection site is the weakest link in the drug testing process—let's change this. Errors in the collection process can lead to issues with DOT regulators and the employers bring out of compliance and face fines and other sanctions. What about the donor, or the employee who might have an erroneous test result reported due to an error? On the legal front, you certainly want all collections done properly and consistently—if not, you might face issues from a plaintiff's attorney on any challenge or law suit from a donor who tested positive and lost his or her job.

Without proper security and integrity in the collection process, donors have an opportunity to cheat on the test. This is a safety issue as these same donors are driving on our public roads and maybe under the influence of undetected drugs or alcohol.

Employers should be monitoring the collection facilities or collectors that they hire to make sure collections are being performed correctly and collectors are not making the errors described above. It is an employer's responsibility to make sure that the process is in compliance. I urge employers to not use collection facilities that are not up to speed and not doing collections properly. Ask your collectors about their training and about their procedures. Many collectors have not received the five-year refresher training required by DOT and many have done collections that resulted in fatal flaws and have not completed the required error correction training and proficiency demonstration. Employers and their Designated Employer Representatives (DERs) need to be proactive in monitoring the work performed by the service agents in the DOT drug testing program.

Collectors and collection site companies need to step up and make sure that qualified trainers are providing the required training and refresher trainings. There is no way this process can be learned by merely reading a pamphlet or watching a short video. It is time to

be proactive and eliminate and change the common phrase mentioned previously—collectors should not be “the weakest link” in the drug testing process. Qualified trainers should go through a train-the-trainer process like the DATIA Certified Professional Collector Trainer Program (CPCT). Don’t have your existing collectors with bad habits train your new collectors.

When errors occur, many times the donor will more than likely have to go back for another specimen collection; this will annoy both the donor and the employer—and the employer will not want to pay for the first collection which resulted in the fatal flaw. As collectors, we need to avoid all of these issues and do it right the first time—the key is training and refresher training and keeping up to date with the regulations. Look to DATIA for a great resource for regulatory updates, training and promotion of the highest possible standards for the industry.

DOT’s 10 Steps to Collection Site Security and Integrity:

1. Pay careful attention to employees throughout the collection process.
2. Ensure that there is no unauthorized access into the collection areas and that undetected access (e.g., through a door not in view) is not possible.
3. Make sure that employees show proper picture 10.
4. Make sure employees empty pockets; remove outer garments (e.g., coveralls, jacket, coat, hat); leave briefcases, purses, and bags behind; and wash their hands.
5. Maintain personal control of the specimen and CCF at all times during the collection.
6. Secure any water sources or otherwise make them unavailable to employees (e.g., turn off water inlet, tape handles to prevent opening faucets, secure tank lids),
7. Ensure that the water in the toilet and tank (if applicable) has bluing (coloring) agent in it. Tape or otherwise secure shut any movable toilet tank top, or put bluing in the tank,
8. Ensure that no soap, disinfectants, cleaning agents, or other possible adulterants are present.
9. Inspect the site to ensure that no foreign or unauthorized substances are present.
10. Secure areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas, ceiling tiles) that appear suitable for concealing contaminants.

Government Accountability Office (GAO) 2007 Undercover Investigation Findings

- 75% failed to restrict access to items that could be used to adulterate or dilute the urine specimen; individuals had access to soap, air freshener, and other potential adulterants in the privacy enclosure.
- 67% had access to running water in the privacy enclosure.
- 42% failed to ask the employee to empty his/her pockets and display items to ensure no items were present that could be used to adulterate the specimen. The GAO Investigators brought drug masking agents and synthetic urine (bought over the Internet) into the collection sites and mixed them with their specimen without being detected by trained collection site personnel.
- 19% failed to check the temperature of the specimen.
- 17% failed to add bluing agent in the toilet water or secure the tank with tape.

Source: <http://www.gao.gov/products/GAO-08-225T>



Joe Reilly entered the world of drug testing in 1993. He is well known throughout the industry and considered a leading expert on workplace drug testing issues. Joe served for nine years on the DATIA Board of Directors and served as Chairman of the Board from 2004-2008. He was voted back on the Board in 2014. Joe is currently a Regional Certified Professional Collector Trainer (R-CPCT) for DATIA and is available for DATIA CPC training in all areas of Florida. He is also active in assisting buyers and sellers in drug testing industry work through the merger and/ or acquisition process. He also provides various other consulting and training services.