

Mistakes People Make No. 3 - MRO

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This third article on *Mistakes People Make* will focus on the Medical Review Officer (MRO) and staff under the direction of the Medical Review Office - the MRO Assistants. The most famous mistake regarding the medical review of drug tests resulted in the issuance of a public interest exclusion (PIE) which is a DOT mechanism designed to protect the public from the affects of serious noncompliance by service agents. The Federal Aviation Administration (FAA) brought this PIE action after investigating and substantiating that a service agent violated Part 40 on many occasions because Mr. Michael Bennett of Workplace Compliance, Inc. in North Carolina, Texas had performed all roles and responsibilities of a Medical Review Officer (MRO) under Part 40, even though he was not a licensed physician (a Doctor of Medicine or

Osteopathy), and therefore not qualified to act as an MRO. For a period five years, Mr. Bennett and his company are excluded from providing DOT drug testing services. DOT notified employers and the public about this PIE by publishing a "List of Excluded Drug and Alcohol Service Agents" at <http://www.dot.gov/ost/dapc/pie.html>. Mr. Michael Bennett of Workplace Compliance, Inc. is the only service agent on this list.

Mistakes can be costly, particularly the flagrant mistakes. Mr. Bennett also ended up serving time in prison.

Collector errors resulting in canceled tests require that the collector receive error correction training. Some

MRO's have been known to neglect to notify the collection site of the error and the retraining requirement. Collectors need to be aware of the mistakes they make so as to avoid repeating the same mistake, the MRO must ensure the training takes place.

When a third party administrator (TPA) is involved as the intermediary in the transmission of the MRO's verified drug test results, this is an employer decision and should be communicated from

DOT Public Interest Exclusion (PIE) List	
Name and Address of Service Agent:	Michel R. Bennett and Workplace Compliance, Inc. in North Carolina and Texas and all other places it is incorporated, franchised, or otherwise doing business
Other Persons or Organizations:	Officers, employees, directors, shareholders, partners or individuals associated with Workplace Compliance, Inc
Scope:	Acting as a service agent or providing any drug and alcohol testing services to any DOT regulated entity.
Duration [beginning & end dates]:	July 31, 2009 - July 31, 2014

the employer to the MRO and to the TPA. Often the TPA makes this decision for the employer and no documentation of the employer's decision is maintained. This is clearly addressed in Part 40 – 40.35, 40.45 and 40.345. An MRO should ensure that the employer has made the decision for the TPA to be involved as the intermediary in the transmission of the MRO's verified drug test results.

My good friends Sandy Vanderploeg and Doctor Jim Vanderploeg shared with me some mistakes in the MRO process that they have heard about around the industry. Sandra is the instructor for the DATIA MRO Assistant training course and Jim is an MRO. Sandra and Jim own and operate a TPA and MRO business - Interactive Medical Connections, Inc in Houston, Texas. Sandra also serves on the DATIA Board of Directors. I have known Jim for over 15 years and have found him to be a highly qualified and knowledgeable Medical Review Officer.

Sandra's list was a fairly long list as there are quite a few mistakes that can occur; she hears of a lot of them during her MRO Assistant training courses. This is a must have training for any staff under the supervision of an MRO and also highly recommended for MRO's. Sandra does a great job with this training. A few of the issues she has heard of are discussed here.

Regarding the signing of negative result reports, the MRO staff may rubber stamp and initial negative results. The stamp should identify the MRO and the initial should identify the MRO staff member, many of the MRO assistants are stamping the MRO name and placing the MRO initials on the report.

Negative results are often reviewed by the MRO assistant. A negative result that is dilute requires a second look. If the creatinine level is between 2 mg/dl and 5 mg/dl and specific gravity less than or equal to 1.0010, the employer should be notified that an immediate second collection under direct observation is required. MRO assistants miss this from time to time. Medical Review Officers (MROs) do not interview these donors, but report the result as a "Negative, dilute, Immediate Observed Re-collection Required".

A Medical Review Officer determines a refusal to test based on adulteration, substitution or shy bladder and the donor has no medical reason for the shy bladder. MRO's may make the mistake at times of getting involved in refusal decisions that are the responsibility of the employers Designated Employer Representative (DER). These include refusals based on collection problems such as leaving the collection site, not cooperating with the collector or getting caught with a prosthetic or other device that could be used to interfere with the collection process.

Another mistake that is made at times by MRO's is strictly following DOT regulations for the medical review of non-DOT testing. This exposes the employer to a liability situation. Some state laws have different provisions for medical review of drug testing and not always consistent with DOT regulations. Iowa and Connecticut have laws requiring the donor to personally receive written notification of a positive test. Waiting to report a non contact positive according to DOT rules (10 days) could violate State Laws, Union agreements or company policies. Florida

and Arizona laws provide for five days. Several States differ from the DOT rule on the amount of time the donor has to request a split specimen retest. For DOT it is 72 hours; Florida it is up to 180 days, Minnesota up to 3 days, Mississippi and Vermont up to 90 days.

Avoid all of these issues, do it right the first time – the key is training and refresher training and keeping up to date with the regulations. There are two great MRO organizations available for MRO's to keep up to date, receiving training and get guidance. Look also to DATIA for a great resource for regulatory updates, training and promotion of the highest possible standards for the industry.

Medical Review Officer Organizations

Medical Review Officer Certification Council (MROCC) - <http://www.mrocc.com>

American Association of Medical Review Officers (AAMRO) - <http://www.aamro.com/>



Joe Reilly entered the world of drug testing in 1993, he is well known throughout the industry and considered an 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. Joe is currently a Regional Certified Professional Collector Trainer (RCPCT) for DATIA and is available for DATIA CPC training in all areas of Florida. He is also active as a consultant and in assisting buyers and sellers in the drug testing industry work through the merger and/or acquisition process.