Mistakes People Make

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This will be a series of articles that will highlight actual mistakes that occur during the process of workplace drug & alcohol testing. Hopefully, these articles will alert folks as to the importance of taking the time to perform drug and alcohol testing services correctly and without flaws. Of course proper training and consistent re-training is the key to preventing the mistakes that will be discussed. As is commonly heard in this industry, the point of collection, the collector and the collection process are the "weakest links" in the process. So this first article will focus on mistakes made in the collection process; continuing articles in the upcoming editions of DATIA Focus will highlight mistakes made by the Medical Review Officer (MRO) office, the Designated Employer Representative (DER), the laboratory (Lab), the third party administrator (TPA), the donor and perhaps even others. Make sure you or your organizations are not doing what you will be reading about in these articles.

As a collector you leave your current place of employment where the DOT required specimen collector training was conducted. This employer says that they can withhold your training documentation since they provided the training. This is not true, always upon completing specimen collection training and/or completing your proficiency demonstration immediately get copies of the documentation of this training and the completion of your required mock collections, you are required to keep this documentation

Often the collector does not inspect the collection site prior to and after each collection, this is critical to insuring the integrity of the specimen collection. Many collectors just do the initial inspection when they start their day at their collection site and are not attentive to re-checking it before and after donors void a specimen. Section 40.43 of 49 CFR Part 40 outlines the steps operators of collection sites must take to protect the security and integrity of the specimen including inspecting the collection site area both before and after each collection.

Common problems uncovered at facilities that perform urine collections for DOT-regulated drug tests:

- Not keeping other people from entering the area where the collection was taking place.
- Not checking photo identification to make sure the right person was taking the test.
- Not asking the person taking the drug test to empty their pockets or take off their outer clothing (to avoid having adulterants carried into the test).
- Bathrooms that have substances such as soap and cleaning products that could be used to adulterate or dilute the urine specimen.

My friend Sherri Vogler with Houston Medical Testing Services, Inc**.** (HMTS) is a master trainer for the Drug & Alcohol Industry Association (DATIA) and has trained and re-trained many hundreds of collectors. Sherri reports a couple of issues she has heard of. "*A manager was*

walking down the hall and passed by and saw a collector sticking his finger in the urine. After the donor left, the manager asks the collector what was going on and why he had his finger in the urine. The collector said that the urine container strip showed a temperature, but that he did not think that it was right, so he stuck his finger in the urine to check the temperature and that he did not see anything wrong with that. - One other experience that I have had is this.....I got call for Refresher Training from a clinic and I ask what had caused a fatal flaw. The manager told me that a collector had a shy bladder situation that went over the three hours. The collector asks the manager what should be done at that point. The joint decision was made to send the Laboratory Copy of the Custody and Control Form (CCF) sealed in the bag without a specimen to the laboratory. Of course, the lab canceled the test due to no specimen!" If you have an opportunity to take a DATIA Certified Professional Collector Training (CPCT) course, you will be delighted to meet Sherri as she is a great trainer and a true professional in this industry.

Diana Bauske from Chem Chek, Co., Inc in Richardson Texas coordinates collections all over the United States; with many years of experience she is dedicated to the highest standards for this industry. Diana reported that one of her biggest frustrations with collectors occurs when they don't adequately note the remarks concerning a shy bladder collection. Many times she sees in the remarks "shy bladder" and no other remarks. More information is needed. The collector should actually maintain a record in the "Remarks" line on the CCF of the time of each attempt, whether there was any specimen provided or the quantity of specimen provided, and the amount of fluids that the employee was given to drink. A good way to do this is to use a separate sheet of paper as a shy bladder log and record the required information on this log and attach it to each copy of the Custody & Control Form (CCF). Those that receive specimen collector training from DATIA can find an example of this log in their DATIA CPCT or CPC urine specimen collection manuals.

Regarding shy bladder situations, the collector must specifically tell the employee that he or she is not permitted to leave the collection site and if they do so, that it will be considered a refusal to test. I recently witnessed a collector yelling at a donor for leaving the collection site to smoke a cigarette and go across the street to get a soda. The donor was extremely embarrassed and became quite upset because neither the collector nor the receptionist told the donor not to leave the collection site. The collector must inform the donor of all of the procedures in the collection process including the requirement that the donor not leave the collection site.

Another mistake that I see very often occurs when a collector or a clinic uses a house account for their DOT drug testing. So basically all of the CCF's have the clinic name and address printed in the Section A, Step 1 of the form and they just write in the company name such as *ABC Trucking*. This is erroneous. In section A, Step 1 - This step is completed by the collector or employer representative prior to the employee providing a urine specimen. The employer and MRO names, addresses, and telephone and fax numbers may be preprinted or handwritten. If the employer has designated a service agent to receive the results from the MRO, the employer's

address may be omitted and the service agent's address may be used. However, in all cases, the specific employer's name, telephone and fax numbers must be included. A clinic or collection site name may not be used in lieu of an employer name. Another problem that occurs with this situation is that the Laboratory will not have and not be able to report specific lab statistical drug test information for this specific account *ABC Trucking*.

Some collectors have been known to send the specimen into the lab after the employee refuses to continue the testing process or admits to tampering with or adulterating their specimen. 49 CFR Part 40 directs the collector to discard the first specimen if the temperature was out of range or the specimen showed signs of tampering and the employee then refused to provide a second specimen under direct observation or when a donor admits to adulterating or substituting the specimen. Once there is a refusal to test, the collector discards the specimen, transmits the appropriate CCF copies to the MRO and to the Designated Employer Representative (DER) and also calls the DER to notify the DER of the situation.

Direct observation collections can only be made with same gender; a male can observe a male; a female can observe a female. I have heard of situations where a physician of the opposite sex has stated that I can observe the collection (*"I'm a doctor!")* and has done so. This is not true, I have also heard of nurses doing this. There are no exceptions, with direct observation collections the observer must be the same gender. Note that the observer need not be the collector. When the collector is not the same gender as the donor, therefore another person of the same gender must be asked to observe the collection. Under the new updated Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS) this observer must have received prior training on all steps to perform observed collections correctly. Under DOT regulations the observer can at the time of the collection receive a quick training from the collector on all steps to perform observed collections correctly.

Fatal Flaws in the Collection Process

- Specimen ID number on CCF does not match specimen ID number on bottle's seal
- Insufficient quantity of urine collected and the specimens cannot be re-designated
- The specimen bottle seal is missing, broken, or shows signs of tampering
- No printed collector's name and no collector's signature on CCF

These will require the Lab to cancel the test.

Why is all of this important? There are several reasons. We hear often that the collector or collection site is the weakest link in the drug testing process – lets change this. Mistakes in the collection process can lead to issues with DOT regulators and the employer might be out of compliance facing fines and other sanctions. What about the donor, 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.

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. 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. Look to DATIA for a great resource for regulatory updates, training and promotion of the highest possible standards for the industry.

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 in assisting buyers and sellers in the drug testing industry work through the merger and/or acquisition process.