

THE VALUE AND NECESSITY OF AN MRO ON ALL DRUG TEST RESULTS

An essential part of the drug-testing program is the final review of results; this is performed by a Medical Review Officer (MRO). A positive laboratory test result does not automatically identify an employee or job applicant as an illegal drug user. An individual with a detailed knowledge of possible alternative medical explanations is essential in performing this final review of results. The MRO fulfills this important function. This final review is required in the Mandatory Guidelines for Federal Workplace Drug Testing Programs initially published in the *Federal Register* on April 11, 1988 (53 FR 11970-11989) and revised in the *Federal Register* on June 9, 1994 (59 FR 29908-29931). It is also required by 49 CFR Part 40 for mandatory drug testing required of DOT regulated employees. Many state laws also require that both DOT and non-DOT drug test results be reviewed by an MRO and some states also mandate that DOT or *Federal Workplace Drug Testing* procedures be followed on all drug tests. For non-DOT testing, just because there is no regulation that requires it; there is absolutely no reason to not use an MRO in the drug testing process—protection from liability and fairness of the process is the issue.

An MRO is defined as a licensed physician who receives laboratory results, has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information. Only individuals holding either a Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) degree may serve as MROs for federally regulated programs. It is clear that without appropriate training, one cannot determine the legitimate use of controlled substances

as compared to substance abuse. The MRO is the gatekeeper, protecting the rights of the ordering agency and the donor.

The MRO must not be an employee or agent of or have any financial interest in the laboratory for which the MRO is reviewing drug test results. Additionally, the MRO must not derive any financial benefit by having an agency use a specific drug testing laboratory or have any agreement with the laboratory that may be construed as a potential conflict of interest. The purpose of this requirement is to prevent any arrangement between a laboratory and an MRO that would prevent the MRO from reporting a problem identified with a laboratory's test results or testing procedures.

The MRO has the following responsibilities:

1. Determine that the information on the drug testing Custody and Control Form (CCF) is forensically and scientifically supportable;
2. Interview the donor when required;
3. Make a determination regarding the test result;
4. Report the verified result to the employer or agency ordering the test; and
5. Maintain records and confidentiality of the information.

MRO assistants represent the administrative staff under the direct supervision of the MRO. The MRO, along with the MRO assistants, review all paperwork and data associated with the drug test and provide corrective action notices to any parties that have made errors in completing the paperwork. This is an essential part of any drug testing program. Data and paperwork errors need to be found and corrected on negative results prior to the same error occurring on a positive test and negating the test due to a paperwork error. This corrective action aspect

is crucially important to the overall quality control of the drug testing program. It is for this reason that all test results, both positive and negative, should be reported through the Medical Review Office. As the gatekeeper for the integrity of the testing process, the MRO should process all test results.

Any drug that is illegal or requires a prescription in the United States will require a medical explanation if discovered in a urine drug test. The MRO gives the donor an opportunity to provide a legitimate medical explanation, such as a legal prescription, for the positive test result. If the explanation and subsequent proof are appropriate, the MRO will report a negative test result to the employer. If the explanation and proof are not appropriate, the MRO will report a positive test result to the employer.

The use of the Medical Review Officer greatly enhances the validity and reliability of the overall drug testing process. This process helps ensure fairness to the donor and offers more protection to the employer/agency in any case of later litigation due to a "positive" drug test where the donor may have actually had a legitimate medical explanation. It is the job of the MRO to ensure the integrity of the drug test, and without an MRO, there is no assurance of this integrity, and no court should uphold a positive test result not reviewed by a Medical Review Officer. ■



Joseph F. Reilly
Past Chairman
DATIA – Drug & Alcohol
Testing Industry Association