

DRUG TEST RESULTS

(For compliance with U.S. Department of Transportation (DOT) Regulations)

INSTRUCTIONS: This form is to be completed according to 49 CFR §40.163 by the medical review officer. The medical review officer keeps the gold copy. The original (white) and the canary copy are forwarded to the employer. If the employer wishes to have drug test results reported by a consortium/third party administrator (C/TPA), the MRO should keep the gold copy and forward the other copies to the C/TPA. The C/TPA should forward the original (white) and canary copies to the employer and keep the pink copy.

According to §382.411, the applicant/driver is notified:

Pre-employment tests:

The applicant/driver must request the results within 60 days of being notified of the disposition of the employment application. If the test results are verified positive.

Random, reasonable suspicion and post-accident tests:

C/TPAs transmitting drug test result reports

Employers may elect to receive drug test result reports through a C/TPA. If a C/TPA acts as an intermediary for the reporting of drug test results, the C/TPA must follow the regulations in Sec. 40.345 and Appendix F to Part 40. (See back of this form.)

49 CFR §40.163 How does the MRO report drug test results?

- (a) As the MRO, it is your responsibility to report all drug test results to the employer.
- (b) You may use a signed or stamped and dated legible photocopy of Copy 2 of the CCF to report test results.
- (c) If you do not report test results using Copy 2 of the CCF for this purpose, you must provide a written report (e.g., a letter) for each test result. This report must, as a minimum, include the following information:
 - (1) Full name, as indicated on the CCF, of the employee tested;
 - (2) Specimen ID number from the CCF and the donor SSN or employee ID number;
 - (3) Reason for the test, if indicated on the CCF (e.g., random, post-accident);
 - (4) Date of the collection;
 - (5) Date you received Copy 2 of the CCF;
 - (6) Result of the test (i.e., positive, negative, dilute, refusal to test, test cancelled) and the date the result was verified by the MRO;
 - (7) For verified positive tests, the drug(s)/metabolite(s) for which the test was positive;
 - (8) For cancelled tests, the reason for cancellation; and
 - (9) For refusals to test, the reason for the refusal determination (e.g., in the case of an adulterated test result, the name of the adulterant).
- (d) As an exception to the reporting requirements of paragraph (b) and (c) of this section, the MRO may report negative results using an electronic data file.
 - (1) If you report negatives using an electronic data file, the report must contain, as a minimum, the information specified in paragraph (c) of this section, as applicable for negative test results.
 - (2) In addition, the report must contain your name, address, and phone number, the name of any person other than you reporting the results, and the date the electronic results report is released.
- (e) You must retain a signed or stamped and dated copy of Copy 2 of the CCF in your records. If you do not use Copy 2 for reporting results, you must maintain a copy of the signed or stamped and dated letter in addition to the signed or stamped and dated Copy 2. If you use the electronic data file to report negatives, you must maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.
- (f) You must not use Copy 1 of the CCF to report drug test results.
- (g) You must not provide quantitative values to the DER or C/TPA for drug or validity test results. However, you must provide the test information in your possession to a SAP who consults with you (see §40.293(g)).
- (h) You must maintain reports and records related to negatives and cancelled results for one year; you must maintain reports and records related to positives and refusals for five years, unless otherwise specified by applicable DOT agency regulations.

For additional regulations concerning drug test result reporting, see the back of this form.

MOTOR CARRIER	LOCATION	CITY	STATE	ZIP CODE	DATE

- (1) Full name of employee tested _____
- (2) Specimen ID number _____
Donor SSN or employee ID number _____
- (3) Reason for the test:
 pre-employment
 random
 reasonable suspicion
 post-accident
 return-to-duty
 follow-up
- (4) Date of collection _____
- (5) Date CCF Copy 2 was received _____
- (6) Test result:
 positive
 negative
 dilute
 refusal to test
 test cancelled
 Date test was verified by MRO _____
- (7) *For positive tests:*
Drug/metabolite(s) for which the test was positive _____
- (8) *For cancelled tests:*
Reason for cancellation _____
- (9) *For refusals to test:*
Reason for the refusal determination _____

Medical review officer signature _____

Additional MRO reporting regulations

§40.165 To whom does the MRO transmit reports of drug test results?

- (a) As the MRO, you must report all drug test results to the DER, except in the circumstances provided for in §40.345.
- (b) If the employer elects to receive reports of results through a C/TPA, acting as an intermediary as provided in §40.345, you must report the results through the designated C/TPA.

§40.167 How are MRO reports of drug results transmitted to the employer?

As the MRO or C/TPA who transmits drug test results to the employer, you must comply with the following requirements:

- (a) You must report the results in a confidential manner.
- (b) You must transmit to the DER on the same day the MRO verifies the result or the next business day all verified positive test results, results requiring an immediate collection under direct observation, adulterated or substituted specimen results, and other refusals to test.
 - (1) Direct telephone contact with the DER is the preferred method of immediate reporting. Follow up your phone call with appropriate documentation (see §40.163).
 - (2) You are responsible for identifying yourself to the DER, and the DER must have a means to confirm your identification.
 - (3) The MRO's report that you transmit to the employer must contain all of the information required by §40.163.
- (c) You must transmit the MRO's report(s) of verified tests to the DER so that the DER receives it within two days of verification by the MRO.
 - (1) You must fax, courier, mail, or electronically transmit a legible image or copy of either the signed or stamped and dated Copy 2 or the written report (see §40.163(b) and (c)).
 - (2) Negative results reported electronically (i.e., computer data file) do not require an image of Copy 2 or the written report.
- (d) In transmitting test results, you or the C/TPA and the employer must ensure the security of the transmission and limit access to any transmission, storage, or retrieval systems.
- (e) MRO reports are not subject to modification or change by anyone other than the MRO, as provided in §40.149(c).

Regulations for C/TPAs acting as intermediaries in the reporting process

§40.345 In what circumstances may a C/TPA act as an intermediary in the transmission of drug and alcohol testing information to employers?

- (a) As a C/TPA or other service agent, you may act as an intermediary in the transmission of drug and alcohol testing information in the circumstances specified in this section only if the employer chooses to have you do so. Each employer makes the decision about whether to receive some or all of this information from you, acting as an intermediary, rather than directly from the service agent who originates the information (e.g., an MRO or BAT).
- (b) The specific provisions of this part concerning which you may act as an intermediary are listed in Appendix F to this part. These are the only situations in which you may act as an intermediary. You are prohibited from doing so in all other situations.
- (c) In every case, you must ensure that, in transmitting information to employers, you meet all requirements (e.g., concerning confidentiality and timing) that would apply if the service agent originating the information (e.g., an MRO or collector) sent the information directly to the employer. For example, if you transmit drug testing results from MROs to DERs, you must transmit each drug test result to the DER in compliance with the MRO requirements set forth in §40.167.

Appendix F to Part 40—Drug and Alcohol Testing Information that C/TPAs May Transmit to Employers

1. If you are a C/TPA, you may, acting as an intermediary, transmit the information in the following sections of this part to the DER for an employer, if the employer chooses to have you do so. These are the only items that you are permitted to transmit to the employer as an intermediary. The use of C/TPA intermediaries is prohibited in all other cases, such as transmission of laboratory drug test results to MROs, the transmission of medical information from MROs to employers, the transmission of SAP reports to employers, the transmission of positive alcohol test results, and the transmission of medical information from MROs to employers.
2. In every case, you must ensure that, in transmitting the information, you meet all requirements (e.g., concerning confidentiality and timing) that would apply if the party originating the information (e.g., an MRO or collector) sent the information directly to the employer. For example, if you transmit MROs' drug testing results to DERs, you must transmit each drug test result to the DER in compliance with the requirements for MROs set forth in §40.167.

Drug Testing Information

§40.25: Previous two years' test results

§40.35: Notice to collectors of contact information for DER

§40.61(a): Notification to DER that an employee is a "no show" for a drug test

§40.63(e): Notification to DER of a collection under direct observation

§40.65(b)(6) and (7) and (c)(2) and (3): Notification to DER of a refusal to provide a specimen or an insufficient specimen

§40.73(a)(9): Transmission of CCF copies to DER (However, MRO copy of CCF must be sent by collector directly to the MRO, not through the C/TPA.)

§40.111(a): Transmission of laboratory statistical report to employer

§40.127(f): Report of test results to DER

§§40.127(g), 40.129(d), 40.159(a)(4)(ii); 40.161(b): Reports to DER that test is cancelled

§40.129(d): Report of test results to DER

§40.129(g)(1): Report to DER of confirmed positive test in stand-down situation

§40.149(b): Report to DER of changed test result

§40.155(a): Report to DER of dilute specimen

§40.167(b) and (c): Reports of test results to DER

§40.187(a)-(e): Reports to DER concerning the reconfirmation of tests

§40.191(d): Notice to DER concerning refusals to test

§40.193(b)(3): Notification to DER of refusal in shy bladder situation

§40.193(b)(4): Notification to DER of insufficient specimen

§40.193(b)(5): Transmission of CCF copies to DER (not to MRO)

§40.199: Report to DER of cancelled test and direction to DER for additional collection

§40.201: Report to DER of cancelled test