



PROCESS AND PROCEDURES

MRO REVIEW

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NOTE: Some state laws may vary in their MRO requirements from those of DOT. In Non-DOT testing circumstances WIN complies with all applicable laws, if any.

Once the sample has been analyzed by the laboratory, the result is sent to the Medical Review Officer. This is the next and final part of the process prior to the result being made available to you as the employer.

What is an MRO?

The Medical Review Officer (MRO) acts as an independent and impartial “gatekeeper” for the accuracy and integrity of the drug-testing process. The MRO is responsible for receiving and reviewing laboratory results and evaluating medical explanations for non-negative results. On negative tests the MRO provides a quality assurance review of the drug-test process.

Who can act as an MRO?

Under DOT regulations the MRO must be a licensed physician who has knowledge of:

1. Controlled substance abuse disorders including detailed knowledge of alternative medical explanations of laboratory confirmed positive test results,
2. Issues relating to dilute, adulterated and substituted samples,
3. And, the DOT MRO guidelines and DOT agency regulations applicable to the samples being reviewed.

MRO's must go through qualification training and pass an examination by a nationally recognized MRO certification board. After certification, MRO's must also meet continuing education requirements.

WIN has four (4) certified MRO's on staff each working at our physical location.

In general, what are the responsibilities of an MRO?

WIN's MROs fulfill the following roles:

- They review the CCF on all specimen collections in order to determine if there is a problem that may cause a test to be cancelled.
- They determine if there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug tests results from the laboratory.
- They investigate and correct problems where possible and notify appropriate parties (e.g., HHS, DOT, employers, etc.) where assistance is needed, (e.g., cancelled or problematic tests, incorrect results, problems with blind specimens).
- They watch over the process to ensure the timely flow of test results and other information to employers.

- They provide feedback to employers, collection sites and laboratories regarding performance issues where necessary.
- And, they protect the confidentiality of the drug testing information.

All of these actions ultimately result in the protection of the integrity of the testing process. In essence, WIN, through its MRO service, protects the rights of your employees and protects you by minimizing your legal liability.

Does WIN handle Non-DOT samples in the same manner as DOT samples?

Yes, we handle Non-DOT results with the same care and diligence using the same procedures as our DOT results.

What does the MRO do on a negative test result?

For the negative drug test results that we receive from the laboratory:

- We review Copy 2 (MRO Copy) of the CCF to determine if there are any fatal or correctable errors that may require us to initiate a corrective action or to cancel the test. We must have a CCF copy with the donor's signature on it.
- We review the negative laboratory test result and ensure that it is consistent with the information contained on the CCF. This is normally from the electronic laboratory result report that the lab sends us.
- We report the result in a confidential manner to the DER.

Generally, it is our MRO support staff that performs this process. However, we are required to have one of our certified MROs personally review at least 5 percent (up to a maximum of 500) of all negative CCFs reviewed by our staff on a quarterly basis. This quality control check includes all results that required a corrective action.

How long does this process take?

The review process on negative samples takes only a few hours **IF** we have all the necessary documents. We download the results from the laboratory electronically several times a day, match the lab results to the MRO copy of the CCF that have been faxed to us, verify that everything is proper and release the results to you.

This is why it is critical that the collection site fax the MRO copy to us in a timely manner!

What are the MROs functions in reviewing laboratory confirmed positive, adulterated, substituted, or invalid drug test results?

We do the following for any confirmed positive, adulterated, substituted, or invalid drug tests that we receive from a laboratory before we verify the result and release it to your DER:

- We review Copy 2 (MRO Copy) of the CCF to determine if there are any fatal or correctable errors that may require us to cancel the test.
- We review Copy 1 (Lab Copy) of the CCF and ensure that it is consistent with the information contained on Copy 2, that the test result is legible, and that the certifying scientist signed the form.
- If the copy of the documentation provided to us by the collector or laboratory is unclear, we obtain a legible copy.
- We conduct a verification interview. This interview includes direct contact in person or by telephone with the donor of the sample.
- We then verify the test result as either negative, positive, test cancelled, or refusal to test because of adulteration or substitution.

How does the MRO or DER notify an employee of the verification process after a confirmed positive, adulterated, substituted, or invalid test result?

- When we receive a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, we contact the employee directly (i.e., actually talk to the employee), on a confidential basis, to determine whether the employee wants to discuss the test result. In making this contact we explain to the employee that if he or she declines to discuss the result we will verify the test as positive or as a refusal to test because of adulteration or substitution, as applicable.
- A staff person will advise the employee to have medical information (e.g., prescriptions, information forming the basis of a legitimate medical explanation for a confirmed positive test result) ready to present at the interview with the MRO.
- We must make “reasonable efforts” to reach the employee at the day and evening telephone numbers listed on the CCF. Reasonable efforts include, as a minimum, three attempts, spaced reasonably over a 24-hour period. So, these efforts will occur over the span of two (2) work days, at an absolute minimum. If we cannot reach the employee directly after making these efforts we will:
 - Contact the DER, instructing the DER to contact the employee. We will direct the DER to have the employee contact us for the MRO interview. At this point, we cannot inform the DER that the employee has a confirmed positive, adulterated, substituted, or invalid test result.
 - As the DER, you must attempt to contact the employee immediately, using procedures that protect, as much as possible, the confidentiality of our request that the employee contact the MRO. If you successfully contact the employee (i.e., actually talk to the employee), you must document the date and time of the contact, and inform us. You must inform the employee that he or she should contact us immediately. You must also inform the employee of the consequences of failing to contact us within the next 72 hours.
 - As the DER, you MUST NOT, in any way or for any reason, inform anyone else working for the employer that you are seeking to contact the employee on our behalf.
 - If, as the DER, you have made all reasonable efforts to contact the employee but failed to do so, you may place the employee on temporary medically unqualified status or

medical leave. Reasonable efforts include, as a minimum, three attempts, spaced reasonably over a 24-hour period, to reach the employee at the day and evening telephone numbers listed on the CCF. As the DER, you must document the dates and times of these efforts.

- If, as the DER, you are unable to contact the employee within this 24-hour period, you must leave a message for the employee by any practicable means (e.g., voice mail, e-mail, letter) to contact us and inform us of the date and time of this attempted contact.

How do we obtain information for the verification decision?

- We conduct a medical interview. We review the employee's medical history and any other relevant biomedical factors presented to us by the employee. We may direct the employee to undergo further medical evaluation by us or another physician.
- If the employee asserts that the presence of a drug or drug metabolite in his or her specimen results from taking prescription medication we will review and verify the authenticity of all medical records the employee provides. We may contact the employee's physician or other relevant medical personnel for further information.

There are some circumstances where we may verify a test as positive, or as a refusal to test because of adulteration or substitution, without interviewing the employee. What are those circumstances?

- There are three circumstances in which we may verify such a result without an interview:
 - If the employee expressly declines the opportunity to discuss the test with us,
 - If the DER has successfully made and documented a contact with the employee and instructed the employee to contact you and more than 72 hours have passed since the time the DER contacted the employee, or
 - If neither we nor the DER, after making and documenting all reasonable efforts, has been able to contact the employee within ten days of the date on which we receive the confirmed test result from the laboratory.
- After we have verified a test result as a positive or refusal to test under these circumstances and we have reported the result to the DER, we must allow the employee to present information to us within 60 days of the verification documenting that serious illness, injury, or other circumstances unavoidably precluded contact with us and/or DER in the times provided. On the basis of such information, we may reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation for the confirmed test result.

How long does this process take?

The turnaround time for this part of the process can vary widely and is totally dependent on how easy (or difficult) the employee is to contact and how much research must take place.

For DOT samples we must notify employees of their right to a test of the split specimen. For Non-DOT samples your company policy may also provide this option. How does this notification take place?

- When we have verified a drug test as positive for a drug or drug metabolite, or as a refusal to test because of adulteration or substitution, we must notify the employee of his or her right to have the split specimen tested. We must also notify the employee of the procedures for requesting a test of the split specimen.
- We must inform the employee that he or she has 72 hours from the time you provide this notification to him or her to request a test of the split specimen.
- We tell the employee how to contact us to make this request. We also tell the employee that if he or she makes this request within 72 hours the employer must ensure that the test takes place and that the employee is not required to pay for the test from his or her own funds before the test takes place. We also tell the employee that the employer may seek reimbursement for the cost of the test.