

Medical Review Officer Interview Questions

Federal Transit Administration

Revised: July, 2011

#	Question	Regulation
0	CHECKLIST OF MEDICAL REVIEW ACTIVITIES	
0	MRO QUALIFICATIONS AND AFFILIATIONS	
1	Please describe your qualifications to serve as a MRO.	Section 40.121 states: "To be qualified to act as an MRO in the DOT drug testing program, you must meet each of the requirements of this section: (a) Credentials. You must be a licensed physician (Doctor of Medicine or Osteopathy). (b) Basic knowledge. You must be knowledgeable in the following areas:(1) You must be knowledgeable about and have clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results.(2) You must be knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result.(3) You must be knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials."
2	BASIC KNOWLEDGE: Do you have knowledge of and clinical experience in substance abuse disorders, including alternative medical reasons for lab-positive test results?	Section 40.121(b) states: "Basic knowledge. You must be knowledgeable in the following areas: (1) You must be knowledgeable about and have clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory confirmed drug test results."
3	BASIC KNOWLEDGE: Do you have knowledge of issues relating to adulterated and substituted specimens, and the possible medical causes of invalid test results?	Section 40.121(b) states: "Basic knowledge. You must be knowledgeable in the following areas: (2) You must be knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result."
4	Do you have a current copy of 49 CFR Part 40, the DOT testing regulation?	Section 40.123(b)(3) states: "You [the MRO] must be knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials. The DOT MRO Guidelines document is available from ODAPC (Department of Transportation, 400 7th Street, SW., Room 10403, Washington DC, 20590, 202-366-3784, or on the ODAPC web site (http://www.dot.gov/ost/dapc)."

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5	Do you have a current copy of the DOT MRO Guidelines, as well as any DOT agency regulation that applies to employers for whom you evaluate test results?	Section 40.121(a)(3) states: "You must be knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials. The DOT MRO Guidelines document is available from ODAPC (Department of Transportation, 1200 New Jersey Avenue, SE, Washington DC, 20590, 202-366-3784, or on the ODAPC web site (http://www.dot.gov/ost/dapc)."
6	What is the requalification requirement for a MRO? When did you most recently qualify, and with which organization?	Section 40.121(d) states: "During each three-year period from the date on which you [the MRO] satisfactorily complete the examination under paragraph (c)(2) of this section, you must complete continuing education consisting of at least 12 professional development hours (e.g., Continuing Education Medical Units) relevant to performing MRO functions."
7	Are there any prohibitions against the MRO having a financial interest in the laboratory being utilized?	Section 40.125 states: "As an MRO, you may not enter into any relationship with an employers laboratory that creates a conflict of interest or the appearance of a conflict of interest with your responsibilities to that employer. You may not derive any financial benefit by having an employer use a specific laboratory. For examples of relationships between laboratories and MROs that the Department views as creating a conflict of interest or the appearance of such a conflict, see Section 40.101(b)."
8	Does the laboratory transmit the test results to you directly, or does the laboratory transmit reports through a C/TPA to you?	Section 40.97(b) states: "As a laboratory, you must report laboratory results directly, and only, to the MRO at his or her place of business. You must not report results to or through the DER or a service agent (e.g., C/TPA)." Section 40.355 states: "As a service agent, you are subject to the following limitations concerning your activities in the DOT drug and alcohol testing program. (b) You must not act as an intermediary in the transmission of drug test results from the laboratory to the MRO. That is, the laboratory may not send results to you, with you in turn sending them to the MRO for verification. For example, a practice in which the laboratory transmits results to your computer system, and you then assign the results to a particular MRO, is not permitted."

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9	Do you report drug test results to the transit system through a consortium (C/TPA), or directly to the designated individual (DER)?	Section 40.345(a) states: "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)."
0	NOW, I WOULD LIKE TO ASK A FEW QUESTIONS ABOUT YOUR GENERAL RESPONSIBILITIES.	
10	Do you ensure that drug tests conducted under the FTA regulations by this transit system are analyzed by a laboratory on the current DHHS approved list?	Section 40.81(a) states: "As a drug-testing laboratory located in the U.S., you are permitted to participate in DOT drug testing only if HHS under the National Laboratory Certification Program (NLCP) certifies you for all testing required under this part."
11	As a MRO, are you required on a quarterly basis to personally review a certain percentage of all Custody and Control Forms (CCFs) reviewed by your staff? If so, what percentage of CCFs must you review?	Section 40.127(g)(2) states: "You [the MRO] are required to personally review at least 5 percent of all CCFs reviewed by your staff on a quarterly basis, including all results that required a corrective action. However, you need not review more than 500 negative results in any quarter."
12	How do you mark those CCFs that have been covered in your quarterly review?	Section 40.127(g)(4) states: "You must make these CCFs easily identifiable and retrievable by you for review by DOT agencies."
13	At a minimum, what items do you check in your quarterly review of CCFs?	Section 40.127(g)(3) states: "Your [the MRO] review must, as a minimum, include the CCF, negative laboratory test result, any accompanying corrective documents, and the report sent to the employer. You must correct any errors that you discover. You must take action as necessary to ensure compliance by your staff with this part and document your corrective action. You must attest to the quality assurance review by initialing the CCFs that you review."
14	Must you take any action if, in reviewing 5 percent of CCFs each quarter, you identify a test with an uncorrected non-fatal flaw or error?	Section 40.127(g)(3) states: "Your [the MRO] review must, as a minimum, include the CCF, negative laboratory test result, any accompanying corrective documents, and the report sent to the employer. You must correct any errors that you discover. You must take action as necessary to ensure compliance by your staff with this part and document your corrective action. You must attest to the quality assurance review by initialing the CCFs that you review."

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15	What do you report to the employer if you conclude that there is a legitimate medical explanation for a confirmed positive test result that is consistent with legal drug use?	Section 40.137(d) states: "If you determine that there is a legitimate medical explanation, you must verify the test result as negative. Otherwise, you must verify the test result as positive."
16	Do you have a method for identifying yourself and confirming your identity when you need to talk with the DER?	Section 40.167(b) states: "As the MRO or C/TPA who transmits drug test results to the employer, you must comply with the following requirements: (2) You are responsible for identifying yourself to the DER, and the DER must have a means to confirm your identification."
17	When you report positive test results to the employer or C/TPA, do you report the drug (or drugs) found?	Section 40.129(c) states: "With respect to verified positive test results, place a check mark in the ``Positive'' box (Step 6) on Copy 2 of the CCF, indicate the drug(s)/metabolite(s) detected on the ``Remarks'' line, sign and date the verification statement." Section 40.163(c) states: "If you [the MRO] 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: ... (6) For verified positive tests, the drug(s)/metabolite(s) for which the test was positive ..."
18	On your request, do the laboratories provide you with the quantization of individual test results?	Section 40.97(e) states: "You [the laboratory] must provide quantitative values for confirmed positive drug, adulterated, and substituted test results to the MRO when the MRO requests you to do so in writing. The MRO's request may either be a general request covering all such results you send to the MRO or a specific case-by-case request."
19	If an employer requests, do you provide the quantitative values of the drugs verified positive, or the results of validity tests?	Section 40.163(g) states: "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 Section 40.293(g))."
20	If a SAP requests, are you allowed to provide any medical information or the quantitative values for drugs or validity test results?	Section 40.163(g) states: "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 Section 40.293(g))."
0	I WOULD NOW LIKE TO DISCUSS THE FUNCTIONS YOU PERFORM IN YOUR REVIEW OF A CONFIRMED POSITIVE TEST RESULT	
21	Did the MRO adequately and completely discuss the verification process?	Section 40.131 describes the verification process.

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22	Do you contact the employee first to begin the verification process, or do you contact the employer first and ask them to contact the individual?	Section 40.131(c) states: "As the MRO, you or your staff 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, to reach the employee at the day and evening telephone numbers listed on the CCF. If you or your staff cannot reach the employee directly after making these efforts, you or your staff must take the following steps:(1) Document the efforts you made to contact the employee, including dates and times. If both phone numbers are incorrect (e.g., disconnected, wrong number), you may take the actions listed in paragraph (c)(2) of this section without waiting the full 24-hour period.(2) Contact the DER, instructing the DER to contact the employee."
23	How many times you or your staff must attempt to contact the employee regarding a positive test?	Section 40.131(c) states: "As the MRO, you or your staff 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, to reach the employee at the day and evening telephone numbers listed on the CCF. If you or your staff cannot reach the employee directly after making these efforts, you or your staff must take the following steps:(1) Document the efforts you made to contact the employee, including dates and times. If both phone numbers are incorrect (e.g., disconnected, wrong number), you may take the actions listed in paragraph (c)(2) of this section without waiting the full 24-hour period."
24	If your staff makes the initial donor contact for you, may they ask the donor if he or she would like to speak with you, or must they attempt to set up an appointment?	Section 40.131(b) states: "As the MRO, staff under your personal supervision may conduct this initial contact for you.(1) This staff contact must be limited to scheduling the discussion between you and the employee and explaining the consequences of the employees declining to speak with you (i.e., that the MRO will verify the test without input from the employee). If the employee declines to speak with you, the staff person must document the employee's decision, including the date and time.(4) Since you [the MRO] are required to speak personally with the employee, face-to-face or on the phone, your staff must not inquire if the employee wishes to speak with you."

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25	Must you gather and review the employee's medical history, or may a non-MRO staff member review this information?	Section 40.141 states: "As the MRO, you must do the following as you make the determinations needed for a verification decision: (a) You must conduct a medical interview. You must review the employees medical history and any other relevant biomedical factors presented to you by the employee. You may direct the employee to undergo further medical evaluation by you or another physician." Section 40.131(b)(2) states: "A staff person must not gather any medical information or information concerning possible explanations for the test result."
26	Do non-MRO staff in your office ever conduct verification interviews?	Section 40.131(b) states: "As the MRO, staff under your personal supervision may conduct this initial contact for you.(1) This staff contact must be limited to scheduling the discussion between you and the employee and explaining the consequences of the employees declining to speak with you (i.e., that the MRO will verify the test without input from the employee). If the employee declines to speak with you, the staff person must document the employees decision, including the date and time.(2) A staff person must not gather any medical information or information concerning possible explanations for the test result.(3) A staff person may advise an 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. (4) Since you [the MRO] are required to speak personally with the employee, face-to-face or on the phone, your staff must not inquire if the employee wishes to speak with you."
27	Before beginning the verification process, do you warn the employee concerning your obligation to disclose information to third parties?	Section 40.135(d) states: "As the MRO, you must warn an employee who has a confirmed positive, adulterated, substituted or invalid test that you are required to provide to third parties drug test result information and medical information affecting the performance of safety-sensitive duties that the employee gives you in the verification process without the employee's consent (see Section 40.327). (1) You must give this warning to the employee before obtaining any medical information as part of the verification process."

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28	What elements of the CCF do you review before you make a final verification decision on a laboratory-positive test result?	Section 40.129(a) states: "As the MRO, you must --- (1) Review Copy 2 of the CCF to determine if there are any fatal or correctable errors that may require you to cancel the test (see Sections 40.199 and 40.203). Staff under your direct, personal supervision may conduct this administrative review for you, but only you may verify or cancel a test.(2) Review Copy 1 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. You are not required to review any other documentation generated by the laboratory during their analysis or handling of the specimen (e.g., the laboratory internal chain of custody).(3) If the copy of the documentation provided to you by the collector or laboratory appears unclear, you must request that the collector or laboratory send you a legible copy."
29	To whom do you report the verified positive test result?	Section 40.165 states: "(a) As the MRO, you must report all drug test results to the DER, except in the circumstances provided for in Section 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."
30	How soon after verification do you transmit positive test results to the DER?	Section 40.167(b) states: "You [the MRO] 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."
31	Within how many days must results be received by the employer?	Section 40.167(c) states: "You [the MRO] 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."

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32	As the MRO, can you change your initial verification of a positive or a refusal?	Section 40.149(a) states: "As the MRO, you may change a verified positive or refusal to test drug test result only in the following situations:(1) When you have reopened a verification that was done without an interview with an employee (see Section 40.133(c)).(2) If you receive information, not available to you at the time of the original verification, demonstrating that the laboratory made an error in identifying (e.g., a paperwork mistake) or testing (e.g., a false positive or negative) the employee's primary or split specimen. (3) If, within 60 days of the original verification decision: (i) You receive information that could not reasonably have been provided to you at the time of the decision demonstrating that there is a legitimate medical explanation for the presence of drug(s)/metabolite(s) in the employee's specimen; or (ii) You receive credible new or additional evidence that a legitimate medical explanation for an adulterated or substituted result exists."
33	Can you accept claims of second-hand, incidental, or unwitting ingestion of prohibited drugs?	Section 40.151(d) states: "(d) It is not your function to consider explanations of confirmed positive, adulterated, or substituted test results that would not, even if true, constitute a legitimate medical explanation. For example, an employee may tell you that someone slipped amphetamines into her drink at a party, that she unknowingly ingested a marijuana brownie, or that she traveled in a closed car with several people smoking crack. MROs are unlikely to be able to verify the facts of such passive or unknowing ingestion stories. Even if true, such stories do not present a legitimate medical explanation. Consequently, you must not declare a test as negative based on an explanation of this kind."
0	NOW I WOULD LIKE TO DISCUSS THE PROCEDURES YOU USE IF YOU OR YOUR STAFF ARE UNABLE TO CONTACT AN INDIVIDUAL FOR VERIFICATION OF THE TEST RESULTS	

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34	What do you do if you cannot contact the employee to conduct a verification interview?	Section 40.131(c) states: "If you or your staff cannot reach the employee directly after making these efforts, you or your staff must take the following steps:(1) Document the efforts you made to contact the employee, including dates and times. If both phone numbers are incorrect (e.g., disconnected, wrong number), you may take the actions listed in paragraph (c)(2) of this section without waiting the full 24-hour period.(2) Contact the DER, instructing the DER to contact the employee. (i) You must simply direct the DER to inform the employee to contact you. (ii) You must not inform the DER that the employee has a confirmed positive, adulterated, substituted, or invalid test result. (iii) You must document the dates and times of your attempts to contact the DER, and you must document the name of the DER you contacted and the date and time of the contact."
35	If the contact numbers provided by the employee on the CCF are wrong or disconnected, must you wait 24 hours before contacting the designated employer representative?	Section 40.131(c) states: "As the MRO, you or your staff 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, to reach the employee at the day and evening telephone numbers listed on the CCF. If you or your staff cannot reach the employee directly after making these efforts, you or your staff must take the following steps: (1) Document the efforts you made to contact the employee, including dates and times. If both phone numbers are incorrect (e.g., disconnected, wrong number), you may take the actions listed in paragraph (c)(2) of this section without waiting the full 24-hour period. (2) Contact the DER, instructing the DER to contact the employee."

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36	Are there circumstances under which you may verify a drug test as positive without speaking with the individual?	Section 40.133(a) states: "(1) You may verify a test result as a positive or refusal to test, as applicable, if the employee expressly declines the opportunity to discuss the test with you. You must maintain complete documentation of this occurrence, including notation of informing, or attempting to inform, the employee of the consequences of not exercising the option to speak with you.(2) You may verify a test result as a positive or refusal to test, as applicable, 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.(3) You may verify a test result as a positive or refusal to test, as applicable, if neither you 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 the MRO receives the confirmed test result from the laboratory."
37	As a MRO, can you verify a drug test result as positive if an employee expressly declines the opportunity to discuss the test with you?	Section 40.133(a)(1) states: "You [the MRO] may verify a test result as a positive or refusal to test, as applicable, if the employee expressly declines the opportunity to discuss the test with you. You must maintain complete documentation of this occurrence, including notation of informing, or attempting to inform, the employee of the consequences of not exercising the option to speak with you."
38	Once the DER has directed an employee to contact you, how many hours must you wait for the employee to contact you before you may verify a "no contact" positive?	Section 40.133(a)(2) states: "You [the MRO] may verify a test result as a positive or refusal to test, as applicable, 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."
39	If neither you nor the DER, after making all reasonable efforts, has been able to contact the employee, how many days must you wait before verifying a "no contact" positive?	Section 40.133(a)(3) states: "You may verify a test result as a positive or refusal to test, as applicable, if neither you 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 the MRO receives the confirmed test result from the laboratory."

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40	If you verify a "no contact" positive, is the employee allowed to present to you information documenting that serious illness, injury, or other circumstances prevented the employee from contacting you?	Section 40.133(c) states: "As the MRO, after you have verified a test result as a positive or refusal to test under this section and reported the result to the DER, you must allow the employee to present information to you within 60 days of the verification documenting that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER in the times provided. On the basis of such information, you may reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation for the confirmed test result."
41	If the laboratory reports the presence of both 6-AM and morphine in a specimen, what are the verification requirements?	Section 40.140(a) states: "If the laboratory confirms the presence of 6-AM in the specimen and there is also any level of quantitation of morphine, you must verify the test result positive."
42	If 6-AM is present in the sample but morphine is not reported, what are the verification requirements?	Section 40.140(b) states: "When a laboratory 6-AM confirmed positive result is reported and morphine for that specimen is not reported at or above the 2000 per ng/mL confirmed positive cutoff, you must confer with the laboratory to determine if there was confirmed morphine below 2000 ng/mL."
43	If morphine is not present in the 6-AM positive sample, is further specimen testing warranted?	Section 40.140(b)(2) states: "If morphine was not confirmed below 2000 ng/mL, you and the laboratory must determine whether further testing is needed to quantify the amount of morphine present."
44	If the laboratory detects morphine in its additional testing, must you verify the result as positive?	Section 40.140(b)(1) states: "If there was confirmed morphine below 2000 ng/mL, you must verify the test result positive."
45	In the absence of 6-AM, what are the requirements if the laboratory confirms morphine or codeine presence at 15,000 ng/mL or above?	Section 40.139(a) states: "In the absence of 6-AM, if the laboratory detects the presence of either morphine or codeine at 15,000 ng/mL or above, you must verify the test result positive unless the employee presents a legitimate medical explanation for the presence of the drug or drug metabolite in his or her system, as in the case of other drugs (see §40.137). Consumption of food products (e.g., poppy seeds) must not be considered a legitimate medical explanation for the employee having morphine or codeine at these concentrations."

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46	Is the consumption of food products a legitimate reason for the presence of morphine or codeine at these levels?	Section 40.139(a) states: "In the absence of 6-AM, if the laboratory detects the presence of either morphine or codeine at 15,000 ng/mL or above, you must verify the test result positive unless the employee presents a legitimate medical explanation for the presence of the drug or drug metabolite in his or her system, as in the case of other drugs (see §40.137). Consumption of food products (e.g., poppy seeds) must not be considered a legitimate medical explanation for the employee having morphine or codeine at these concentrations."
47	For other opiate positive results that do not contain 6-AM, how do you complete the verification process?	Section 40.139(b) states: "For all other opiate positive results, you must verify a confirmed positive test result for opiates only if you determine that there is clinical evidence, in addition to the urine test, of unauthorized use of any opium, opiate, or opium derivative (i.e., morphine, heroin, or codeine)."
48	If your clinical assessment determines the misuse of a drug not found in the laboratory's analysis, can you verify the test as positive?	Section 40.139(b)(3) states: "To be the basis of a verified positive result for opiates, the clinical evidence you find must concern a drug that the laboratory found in the specimen. (For example, if the test confirmed the presence of codeine, and the employee admits to unauthorized use of hydrocodone, you do not have grounds for verifying the test positive. The admission must be for the substance that was found)."
49	If you cannot establish clinical evidence of opiate misuse, how do you verify the final test result?	Section 40.139(b)(4) states: "As the MRO, you have the burden of establishing that there is clinical evidence of unauthorized use of opiates referenced in paragraph (b) of this section. If you cannot make this determination (e.g., there is not sufficient clinical evidence or history), you must verify the test as negative. The employee does not need to show you that a legitimate medical explanation exists if no clinical evidence is established."
0	NOW I WOULD LIKE TO DISCUSS A FEW QUESTIONS ABOUT PROBLEMS IN TESTING	
50	What do you instruct the employer to do if the lab confirms the a test as negative and dilute with a creatinine level between 2 mg/dL and 5 mg/dL?	Section 40.155(c) states: "When you report a dilute specimen to the DER, you must explain to the DER the employer's obligations and choices under §40.197, to include the requirement for an immediate recollection under direct observation if the creatinine concentration of a negative-dilute specimen was greater than or equal to 2mg/dL but less than or equal to 5mg/dL."

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51	In the case of a "shy bladder," where an employee can not provide an adequate specimen (at least 45 milliliters), do you have any involvement in determining whether the individual's ability to provide a specimen is genuine or constitutes a refusal to test?	Section 40.193(h) states: "As the MRO, you must seriously consider and assess the referral physicians recommendations in making your determination about whether the employee has a medical condition that has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. You must report your determination to the DER in writing as soon as you make it."
52	Can you accept claims of anxiety or dehydration when examining an employee or reviewing another physician's analysis of a "shy bladder" case?	Section 40.193(e) states: "(e) For purposes of this paragraph, a medical condition includes an ascertainable physiological condition (e.g., a urinary system dysfunction) or a medically documented pre-existing psychological disorder, but does not include unsupported assertions of "situational anxiety" or dehydration."
53	If the laboratory reports that the specimen has been "rejected for testing" because of a fatal or uncorrected flaw, what test result do you report to the DER and under what circumstances would additional testing be required?	Section 40.161 states: "As the MRO, when the laboratory reports that the specimen is rejected for testing (e.g., because of a fatal or uncorrected flaw), you must do the following: ...(b) Report to the DER that the test is cancelled and the reason for cancellation, and that no further action is required unless a negative test is required (e.g., in the case of a pre-employment, return-to-duty, or follow-up test)."
54	What do you do if a Return-to-duty test or Follow-up test is not marked as having been observed?	A notice from the Department of Transportation's Office of Drug and Alcohol Policy and Compliance, dated September 10, 2009, reads: "If a collector, Medical Review Office (MRO), Third Party Administrator (TPA), or other service agent learns that a Direct Observation collection using the required procedures was not conducted, the employer needs to be informed. Upon learning that a Direct Observation collection using the required procedures was not conducted, the employer needs to direct the employee to have an immediate recollection under Direct Observation."
55	Are there any "correctable flaws" that are the MROs responsibility to correct? If so, what are they?	Section 40.203(d) states: "The following are correctable flaws that you [the MRO] must attempt to correct:(1) The employee's signature is omitted from the certification statement, unless the employee's failure or refusal to sign is noted on the "Remarks" line of the CCF.(2) The certifying scientist's signature is omitted on the laboratory copy of the CCF for a positive, adulterated, substituted, or invalid test result.(3) The collector uses a non-Federal form or an expired Federal form for the test."

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56	As a MRO, if you cancel a laboratory confirmed positive, adulterated, substituted, or invalid drug test report, what steps do you complete on the CCF?	Section 40.129(d) states: "If you [the MRO] cancel a laboratory confirmed positive, adulterated, substituted, or invalid drug test report, check the "test cancelled" box (Step 6) on Copy 2 of the CCF, make appropriate annotation in the "Remarks" line, sign, provide your name and date of the verification statement."
57	As a MRO, when the laboratory reports that a specimen is adulterated or substituted, are you required to conduct a verification procedure, and if so, what actions are you required to take?	Section 40.145 states: "(a) As an MRO, when you receive a laboratory report that a specimen is adulterated or substituted, you must treat that report in the same way you treat the laboratory's report of a confirmed positive test for a drug or drug metabolite.(b) You must follow the same procedures used for verification of a confirmed positive test for a drug or drug metabolite except as otherwise provided in this section." Section 40.145(g) states: "(1) If you determine that the employees explanation does not present a reasonable basis for concluding that there may be a legitimate medical explanation, you must report the test to the DER as a verified refusal to test because of adulteration or substitution, as applicable.(2) If you believe that the employees explanation may present a reasonable basis for concluding that there is a legitimate medical explanation, you must direct the employee to obtain, within the five-day period set forth in paragraph (e)(3) of this section, a further medical evaluation. This evaluation must be performed by a licensed physician (the "referral physician"), acceptable to you, with expertise in the medical issues raised by the employees explanation. (The MRO may perform this evaluation if the MRO has appropriate expertise.)"
58	When verifying a specimen that the lab has reported as adulterated, who has the burden of proof? Must you prove that the specimen is adulterated, or must the employee prove that it is legitimate?	Section 40.145(e) states: "The employee has the burden of proof that there is a legitimate medical explanation.(1) To meet this burden in the case of an adulterated specimen, the employee must demonstrate that the adulterant found by the laboratory entered the specimen through physiological means."
0	IN CLOSING, I WOULD LIKE TO ASK A FEW QUESTIONS ABOUT ANALYSIS OF THE SPLIT SPECIMEN	

#	Question	Regulation
59	After you have informed the employee that you will verify the test as positive, adulterated, or substituted, what do you inform the employee concerning his/her rights to have the split specimen analyzed?	Section 40.153 states: "(a) As the MRO, when you have verified a drug test as positive for a drug or drug metabolite, or as a refusal to test because of adulteration or substitution, you must notify the employee of his or her right to have the split specimen tested. You must also notify the employee of the procedures for requesting a test of the split specimen.(b) You 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."
60	What must you do when an employee requests testing of the split-specimen?	Section 40.171(c) states: "When the employee makes a timely request for a test of the split specimen under paragraphs (a) and (b) of this section, you must, as the MRO, immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second HHS-certified laboratory. You must also document the date and time of the employee's request."
61	To whom do you report the results of a split specimen which confirms the result from the primary specimen?	Section 40.187 states: "As an MRO, you must take the following actions when a laboratory reports the following results of split specimen tests:(a)(1) In the case of a reconfirmed positive test for a drug or drug metabolite, report the reconfirmation to the DER and the employee."
62	What action would you take if the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen?	Section 40.187(b) states: "Failed to Reconfirm: Drug(s)/Drug Metabolite(s) Not Detected. (1) Report to the DER and the employee that both tests must be cancelled.(2) Using the format in Appendix D to this part, inform ODAPC of the failure to reconfirm."
63	What action would you take if the split specimen is not available for testing?	Section 40.187(d) states: "Failed to Reconfirm: Specimen not Available for Testing.(1) Report to the DER and the employee that both tests must be cancelled and the reason for cancellation.(2) Direct the DER to ensure the immediate collection of another specimen from the employee under direct observation, with no notice given to the employee of this collection requirement until immediately before the collection.(3) Using the format in Appendix D to this part, notify ODAPC of the failure to reconfirm."

#	Question	Regulation
64	Was the MRO prepared for the audit team, and did the MRO cooperate with the audit team and facilitate the audit process, including producing the required records?	Section 40.331(c) states: "If you are a service agent, you must, upon request of DOT agency representatives, provide the following:(1) Access to your facilities used for this part and DOT agency drug and alcohol program functions.(2) All written, printed, and computer-based drug and alcohol program records and reports (including copies of name-specific records or reports), files, materials, data, documents/documentation, agreements, contracts, policies, and statements that are required by this part and DOT agency regulations. You must provide this information at your principal place of business in the time required by the DOT agency."
0	THAT WAS THE LAST QUESTION. THANK YOU FOR YOUR TIME AND INPUT.	