

HOW TO MONITOR COLLECTION SITE COMPLIANCE

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SESSION AGENDA

- Discuss the importance of monitoring collection site compliance
- Outline the DOT-required collection site security and integrity measures
- Define the common procedural errors in DOT urine specimen collection and DOT alcohol testing
- Identify methods of monitoring collection site compliance
- Provide tools and checklists to aid DAPMs in their compliance monitoring efforts



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IMPORTANCE OF MONITORING COLLECTION SITE COMPLIANCE

- Urine specimen collection and alcohol tests require critical procedural steps that are subject to human error
 - Procedural errors can lead to incomplete employer records, canceled tests, infringement on the rights of the donor and potential legal challenges for employers
- FTA-covered employers are required to comply with testing regulations and must ensure that all testing is performed in accordance with USDOT's 49 CFR Part 40
 - Your agency's compliance is contingent on your service agent's compliance with the regulations
 - When audited, the findings and corrective action requirements are attributed to the employer, not the service agent



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SECURITY AND INTEGRITY

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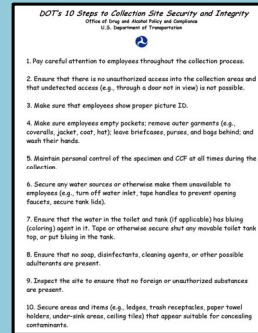
COLLECTION SITE SECURITY AND INTEGRITY

Maintaining “security and integrity” = removing opportunities for donors to thwart the DOT drug testing process, to include:

- Closely monitoring the donor’s behavior, and verifying proper ID
- Requiring donor to empty pockets and remove outer clothing
- Maintaining control of the specimen and the CCF
- Securing water sources and using bluing agent in toilet
- Removing all potential contaminants
- Securing any areas that could conceal contaminants

ODAPC poster can be downloaded here:

<https://www.transportation.gov/odapc/dot-10-steps-collection-site-security-and-integrity-english>



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SECURITY AND INTEGRITY DISCUSSION



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Federal Drug Testing
Custody and Control
Form (CCF)

FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

SPECIMEN ID NO. **0000001** ACCESSION NO. _____

STEP 1: COMPLETED BY COLLECTOR OR EMPLOYER REPRESENTATIVE

A. Employer Name, Address, I.D. No. _____ B. MRO Name, Address, Phone No. and Fax No. _____

C. Donor SSN, Employee I.D., or COJ State and No. _____

D. Specimen Testing Authority: IHD MRO Specify DOT Agency: FMCSA FAA FRA FTA PhMSA USCG

E. Reason for Test: Pre-employment Random Reasonable Suspicion/Cause Post Accident Return to Duty Follow-up Other (specify) _____

F. Drug Tests to be Performed: THC, COC, PCR, OPI, AMP THC & COC Only Other (specify) _____

G. Collection Site Address: _____ Collector Contact Info: Phone _____ Fax _____ Other _____

STEP 2: COMPLETED BY COLLECTOR (make remarks when appropriate). URINE ORAL FLUID

COLLECTION: Spill Single None Provided. Enter Remark _____

URINE: Collector reads urine temperature within 4 minutes. Temperature between 90° and 100° F? Yes No. Enter Remark Observed. Enter Remark _____

ORAL FLUID: Split Type: Serial Concurrent Subdivided | Each Device Within Expiration Date? Yes No Volume Indicator(s) Observed _____

REMARKS: _____

STEP 3: Collector affixes seal(s) to bottle(s)/tube(s). Collector dates seal(s). Donor initials seal(s). Donor completes STEP 5 on Copy 2 (MRO Copy)

STEP 4: CHAIN OF CUSTODY - INITIATED BY COLLECTOR AND COMPLETED BY TEST FACILITY

I certify that the specimen given to me by the donor identified in the certification section on Copy 2 of this form was collected, sealed, sealed and released to the Delivery Service noted in accordance with applicable federal requirements.

SPECIMEN BOTTLE(S)/TUBE(S) RELEASED TO: _____
 Signature of Collector _____ Date (MM/DD/YYYY) _____ Time of Collection _____ Name of Delivery Service _____
(Print) Collector's Name (First, M., Last) _____

RECEIVED AT LAB OR STP:
 SPECIMEN BOTTLE(S)/TUBE(S) RELEASED TO: _____
 Signature of Accession _____ Date (MM/DD/YYYY) _____ Primary Specimen Seal Intact YES NO
(Print) Accession's Name (First, M., Last) _____ (If NO, Enter remark in Step 5A.)

Primary/Single Specimen Device Expiration Date: ____/____/____ Split Specimen Device Expiration Date: ____/____/____
(MM/DD/YYYY) (MM/DD/YYYY)

STEP 5A: PRIMARY SPECIMEN REPORT - COMPLETED BY TEST FACILITY

NEGATIVE DELETED REJECTED FOR TESTING ADULTERATED SUBSTITUTED INVALID RESULT

POSITIVE for: _____
Analyzed as sign: _____

REMARKS: _____
Test Facility (if different from above): _____
 I certify that the specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed and reported in accordance with applicable federal requirements.

Signature of Certifying Technician/Center _____ (Print) Certifying Technician/Center's Name (First, M., Last) _____ Date (MM/DD/YYYY) _____
(Print) _____

STEP 5B: COMPLETED BY SPLIT TESTING LABORATORY

RECONFIRMED FAILED TO RECONFIRM - REASON: _____
I certify that the split specimen identified on this form was examined upon receipt, handled using chain of custody procedures, analyzed and reported in accordance with applicable federal requirements.

Laboratory Name: _____ Signature of Certifying Control _____ (Print) Certifying Control's Name (First, M., Last) _____ Code No./Country _____
(Print) _____

000001 Date (MM/DD/YYYY) _____ **PLACE OVER CAP**
 SPECIMEN A SPLIT NUMBER _____

000001 Date (MM/DD/YYYY) _____ **PLACE OVER CAP**
 SPECIMEN B SPLIT NUMBER _____

COPY 1 - TEST FACILITY COPY

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URINE COLLECTION PROCEDURES



Excerpt from the ODAPC Mock Collection video. Full video:
<https://www.transportation.gov/odapc/dot-mock-collection-instructional-video>

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COMMON ERRORS IN URINE COLLECTION

- Collector did not require an initial attempt
- Collector did not properly verify donor identity
- Donor was not shown collection instructions (Note: The instructions have been removed from the back of the CCF and now must be posted or handed to the donor)
- Collector did not allow donor to retain their wallet after inspection
- Collector did not ask donor to demonstrate that pockets were empty (dog ears) and/or did not ask for all pockets to be emptied
- Collector did not observe the donor washing their hands



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COMMON ERRORS IN URINE COLLECTION, CONT.



- Collector did not check restroom for signs of tampering after donor provided the specimen
- Collector did not keep the specimen in view or left the donor alone with specimen
- Collector used FTA-covered employee's DL instead of ID
- Collector did not complete the CCF in the correct order
 - Correct order is 1,2,3,5,4
- Collector asked donor to initial specimen labels while still affixed to the CCF
- Collector did not transmit Copy 4 to the DER within 24 hours or the next business day, as required

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SHY BLADDER PROCEDURES, 40.193

Shy bladder clock starts when donor presents less than 45mL of urine

- Collector discards insufficient specimen and marks the time in the remarks line on CCF
- Donor has a maximum of 3 hours to produce a sufficient specimen
- Donor must be offered no more than 40oz of fluid at reasonable intervals
 - Collector must measure fluid and document intake in remarks line on CCF
- Donor must be supervised with no access to general public or outside during waiting period



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SIGNS OF TAMPERING, 40.67(C)

- Direct observation collections must take place immediately following one of these circumstances:
 - Donor's specimen is not within the temperature range of 90-100 degrees Fahrenheit
 - Donor's specimen appears to have been tampered with (odd color, odd odor, etc.)
 - Collector has observed materials or conduct indicating an attempt to tamper (inspection of the restroom after the donor provides specimen is vital)
- Collector must not offer fluids or a waiting period to the donor– an initial attempt under direct observation must take place immediately

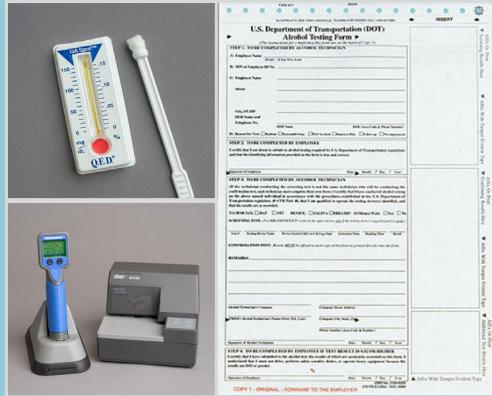
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ALCOHOL TESTING

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ALCOHOL TESTING DEVICES

- Saliva and breath specimens are approved for screening tests; an Evidential Breath Testing (EBT) device must be used for confirmation testing
- Devices used in alcohol testing must be approved by the National Highway Traffic Safety Administration (NHTSA) and are posted on the ODAPC's website
- DOT Alcohol Testing Form (ATF) must be used for all FTA required tests



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ALCOHOL TESTING PRIVACY AND SECURITY



Training requirements: 49 CFR Part 40.213
 Procedures: 49 CFR Part 40.241 & 40.251

- Must provide aural and visual privacy to the greatest extent possible
- Must prevent unauthorized access to the testing area and devices
- Must always supervise employee/donor
- Must not permit anyone other than the technician, the donor and a DOT agency representative to observe an alcohol test
- Devices must be secured when not in use

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COMMON ERRORS IN ALCOHOL TESTING

- Alcohol test was not performed *before* the urine test, (when applicable)
- ATF was not completed in full
- EBT device time is incorrect
 - Especially following Daylight Saving Time/Standard Time
- EBT printer fails to print confirmation results
 - Handwritten on ATF and not printed, as required

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COMPLIANCE MONITORING

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WHERE TO BEGIN

- Start with the RFP process
 - Set clear expectations
 - Cite specific regulations
 - Consider a liquidated damages clause
- Obtain collector and BAT qualifications
 - Remember: DOT does not certify collectors
- Review Employer Copies of the CCF and ATF for errors and omissions
- Track canceled tests
- Conduct collection site inspections



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THREE METHODS OF MONITORING

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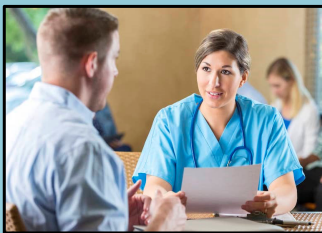
I. RAPPORT AND REVIEW

- Build a rapport with your collectors
 - Set a meeting with the collection site manager and provide a copy of your policy, 49 CFR Part 40 and the Urine Specimen Collection Guidelines
 - Ask to see a mock collection performed
 - Ask for documentation that all collectors are qualified (per 40.33)
 - Ask if all collectors are subscribed to the ODAPC list-serve, as required
 - Note: each individual collector must subscribe, not just the collection site manager
- Review your expectations
 - Will they prioritize your reasonable suspicion and post-accident tests? Will they conduct after hours collections for you? How and when will they transmit the employer copies of CCFs and ATFs?



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2. INSPECT AND INFORM



- Conduct unannounced inspections of the collection site's security and integrity measures
 - Pose as a donor, or simply ask to inspect the site
- Conduct an interview with the collector in which you ask them to describe how they would handle various anomalies
 - Shy bladder, cold specimen, EBT printer failure, etc.
- After conducting the inspection and the interview, inform the collection site manager of your concerns in writing

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3. DOCUMENT AND DEMAND

- Document all findings
 - Unresolved areas of concern from prior inspections/interviews
 - Errors or omissions discovered on the employer copies of the CCFs and ATFs
 - Canceled tests caused by collector error (fatal flaws)
 - Use of NON-DOT forms for FTA tests
 - Testing that was ordered but not performed
- Prepare a written report and demand corrective action in order to continue the business relationship



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TPA ASSIGNED COLLECTION SITES

- Do not assume that collection sites are fully-compliant because they have been “approved” by your TPA
 - Most TPAs do not conduct collection site inspections
 - Your agency must obtain and maintain documentation that each collector is qualified in accordance with 40.33 and all BATs are qualified in accordance with 40.213
 - Include the TPA in any communication you have with the collection site related to errors
 - When errors are significant, or they continue to occur, the collection site should be removed from the “approved” list
 - TPA may have more leverage in getting errors corrected because they likely have multiple clients using the site

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FTA'S TOOL & RESOURCES WEB PAGE

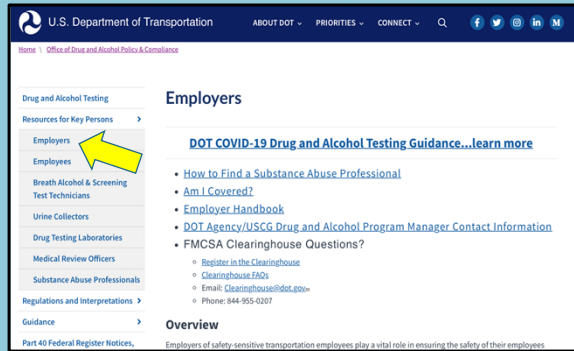
- Notification for Testing Form
- Breath Collection Checklist
- Alcohol Testing Form and Review Checklist
- Alcohol Testing Site Affidavit (MFR)
- Example of completed CCF and Review Checklist
- Drug Test Collection Site Affidavit Form (MFR)

<https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/Default.aspx>

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ODAPC'S EMPLOYER WEB PAGE

- Employer Brochure- Monitoring Collection Sites
- DOT's Direct Observation Procedures
- DOT's 10 Steps to Collection Site Security and Integrity video
- DOT's Mock Collection video



<https://www.transportation.gov/odapc/employer>

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Let's take some questions!

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