

## **Drug and Alcohol Compliance: Why Review Your Collection Sites?**

“You are the weakest link!” This is the assertion handed to contestants who are voted off the game show, *The Weakest Link*. During the program, each contestant must answer questions and “bank” money to show their usefulness to the team. After each round, each team member votes out the contestant who was least helpful to the group’s goal. Do you know who your weakest link is in your drug and alcohol program?

Service agents have proven to be very helpful to Drug & Alcohol Program Managers (DAPMs) since DOT testing was mandated almost 30 years ago. Imagine, on top of the duties of hiring, training and supervising safety-sensitive staff, you must conduct all drug and alcohol tests yourself. Or, you had to shop around for a Health and Human Services-certified laboratory or Medical Review Officer. Thankfully, an entire industry has risen to assist you with Federal regulatory compliance. But those same regulations make it very clear that the responsibility to maintain compliance remains with the employer. [[See 49 CFR Part 40.15\(b\) and \(c\)](#)]

Engaging testing professionals seems like a great way to lighten your duties. But assuming everything is going well because you are not hearing of serious blunders may turn out to be a very costly practice. No news is definitely NOT good news when it comes to your drug and alcohol testing program.

Since a November 1, 2007 GAO report [<https://www.gao.gov/assets/120/118430.pdf>] was published that outlined widespread vulnerabilities in DOT drug testing programs, increased focus has been placed on reliability and security within collection facilities and companies. The simple truth is this—collection sites are primary locations for error and cheating when it comes to security and integrity of your drug and alcohol testing program. They are the “weakest link” in the entire testing process.

Because of this several resources have been developed over the years to address collection site issues. In April 2012, the Office of Drug and Alcohol Policy and Compliance (ODAPC)

released their Mock Collection Video [<https://www.transportation.gov/odapc/dot-mock-collection-instructional-video>], intended for use by collection personnel and anyone else who may evaluate collection activities on behalf of transportation employers. And, in May 2016, ODAPC published a brochure, *What Employers Need to Know About Monitoring Collection Sites* [[https://www.transportation.gov/sites/dot.gov/files/docs/Employer\\_Collection\\_Site\\_Audit\\_Brochure\\_1.pdf](https://www.transportation.gov/sites/dot.gov/files/docs/Employer_Collection_Site_Audit_Brochure_1.pdf)] to help employers understand how they can oversee the clinics, hospitals and stand-alone collection sites that perform DOT drug and alcohol tests.

According to the ODAPC brochure, there are three levels of commonly practiced monitoring: 1) Desk Audit, 2) Collection Site Visit, and 3) Enhanced Collection Site Review. Each offers a different level of inspection and provides DAPMs options for effective oversight of their testing programs.

### **Desk Audit**

This is the basic level of review. Examining primary documents, such as Custody and Control Forms (CCFs), Alcohol Testing Forms (ATFs) and notification forms, provides a useful picture to the DAPM. If the correct testing authority or reason for testing is accurately documented, this could say a lot about the training and efficiency of the collection staff. Conversely, if the collector commits several “fatal flaws” that cause tests to be canceled [See [49 CFR Part 40.199](#) or [40.267](#)], there are likely many other problems to be immediately addressed.

### **Collection Site Visit**

Using the DOT *10 Steps to Collection Site Security & Integrity* poster [<https://www.transportation.gov/odapc/dot-10-steps-collection-site-security-and-integrity-english>] and video [<https://www.transportation.gov/odapc/collection-site-security-integrity-video>], as well as the Mock Collection Video mentioned earlier, DAPMs can take a strong first step to increase their involvement in, as well as the integrity of, the testing program, beyond document review.

The next step is to perform an on-site visit. This should include a tour of any and all facilities used, meeting the collection staff and managers, and explaining to them how important it is for them to abide by Federal regulations. It may seem obvious, but this sets the stage for all future interactions. The collection team now knows that you take their actions very seriously and will be highly engaged in the process.

This is an excellent time, too, to request training documents for all current urine specimen collectors and breath alcohol technicians (BATs). You can also ask how training is accomplished and by whom. Who trains the trainer? Although there is no Federally-recognized certification process, there are several trade associations that have created training programs. Does the collection site hold membership with any of them? This may keep a trainer from perpetuating bad and/or inaccurate training techniques.

And, keep in mind it is not necessary to wait until an on-site visit if errors are identified as part of a desk audit. Mistakes can cause tests to be canceled, especially those requiring correction (See [49 CFR Part 40.203](#) and [40.269](#)).

### **Enhanced Collection Site Review**

Communication with the collection site or agency throughout the year is critical. Remember, collection staff turnover is common and the review process should never be seen as “one and done.”

Use a mock collection to actually observe and document the process. And, using a standard checklist is a preferred method to cover important areas and document any identified flaws during the collection. Click here for a Alcohol Collection Checklist [ <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DAPMForms/Checklists/Breath%20Alcohol%20Test%20Checklist.docx>] and here for a Urine Collection Checklist [ <https://transit-safety.fta.dot.gov/DrugAndAlcohol/Tools/DAPMForms/Checklists/Uneventful%20Urine%20Collection%20Checklist.docx> ] from the FTA Drug and Alcohol website. A combined checklist can also be found on the New Hampshire RTAP website [

[cdn.multiscreensite.com/ef7fad33/files/uploaded/COLLECTION%20SITE%20REVIEW%20CHECKLIST%20-%20COMMENTS.doc](https://cdn.multiscreensite.com/ef7fad33/files/uploaded/COLLECTION%20SITE%20REVIEW%20CHECKLIST%20-%20COMMENTS.doc)].

As important as mock collections are to ensuring a secure and honest process, there can be drawbacks. The collector is often a “ringer,” that is, the staff trainer and the collection may not be taken seriously. Mistakes could also be made due to nervousness. However, the advantages of conducting a mock collection outweigh any drawbacks. Regardless of the level of oversight that seems appropriate, it is vital that a DAPM maintains an ongoing relationship with the collection site/agency.

When Congress passed the Omnibus Transportation Employee Testing Act in 1991, requiring DOT agencies to implement drug and alcohol testing of safety-sensitive employees, it did so to acknowledge the need for the safety and protection of the traveling public as well as every transportation worker. Your agency is given the responsibility of carrying out that tremendous task. With so much riding on the outcome of each drug or alcohol test, are you sure you can completely trust your “weakest link?”