

SPLIT SPECIMENS

Over the past 10 years, various revisions to the DOT regulation 49 CFR Part 40 have provided additional guidance and clarification concerning split specimens in DOT-mandated drug testing. All DOT agency regulations (including USCG) require the collection of urine specimens, subdivided, by the collector in the donor's presence, into two specimen bottles (Bottle A—the primary and Bottle B—the split). The collector is required to identify the collection as a split specimen procedure on the custody and control form.

When the MRO has verified a DOT drug test as positive, adulterated or substituted, the MRO is obligated to offer a split specimen reconfirmation to the donor. The reconfirmation must be conducted at a DHHS certified laboratory different from the one that confirmed Bottle A. The donor has 72 hrs. after notification by the MRO to decide if he/she wants the split specimen tested. The DOT rules are silent on who must pay for the split specimen reconfirmation except to say that “up front” or prepayment by the donor cannot be required. If the employer chooses to seek reimbursement for any split specimen reconfirmation costs from the donor, it may do so; however, compliance with the requirements must not be conditional on the donor's agreement to reimburse the employer for the costs of testing.

Once the donor has decided that he/she wants the split specimen reconfirmed, the MRO directs the laboratory in writing, to send Bottle B to a designated DHHS laboratory. The DOT regulation does not specify who (MRO, donor or employer) selects the laboratory for split specimen reconfirmation. The MRO must specify what reconfirmation is to be performed. Result of the reconfirmation will be provided by the second laboratory to the MRO. The MRO will then report the reconfirmation result (i.e. reconfirmed or failed to reconfirm) to the employer, and the donor.

Split specimen reconfirmation for drugs detected in Bottle A is performed using GC/MS methodology and is not subject to DOT cut-off levels. Thus, if the laboratory detects the drug or drug metabolites at or above the laboratory's limit of detection, the split specimen result is “reconfirmed”. For adulterated or substituted specimens, the split specimen reconfirmation methods are subject to the same criteria used for Bottle A confirmation. For example, if the cut-off level for the adulterant Nitrite is greater than 500 mcg; the split specimen must have nitrites greater than 500 mcg.

It is important to remember that the MRO will report the verified positive, adulterated or substituted result of Bottle A at the time of the test determination and will not delay or withhold the result pending any decision or out come of the split specimen reconfirmation. Thus, employers are required to remove from safety-sensitive duty an employee who tests positive, or adulterates or substitutes a specimen immediately upon notification from the MRO.

In the event the donor requests the split specimen reconfirmation and there is no split specimen available for testing (e.g. none was collected, it was discarded, etc.), the MRO must cancel the test and order an immediate recollection of a specimen under direct observation. If the split specimen fails to reconfirm because drugs are not detected or the adulterant/substitution criteria are not met, the test is canceled and there is no recollection of a specimen. All instances of a split specimen failure to reconfirm will be reported by the MRO to the DOT office for further investigation of laboratory procedures.

DOT split specimen procedures apply to drug tests of applicants and employees. The opportunity for a donor to have the split specimen reconfirmation is considered one of the fundamental rights of the employee in DOT-mandated testing.

**FOR FURTHER INFORMATION PLEASE CONTACT FIRSTLAB'S BUSINESS DEVELOPMENT
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