

## DOT FINAL RULE AMENDS DRUG TESTING REQUIREMENTS

On November 13, 2017, the Department of Transportation (DOT) amended its drug testing program regulations. The new rule, which becomes effective January 1, 2018, closely aligns with the recent changes to the Health and Human Services (HHS) "Mandatory Guidelines for Federal Workplace Drug Testing Programs," which became effective October 1, 2017.

In the DOT's long-awaited final rule, new drugs have been added to help address the nationwide opioid epidemic, and certain processes have been eliminated to relieve unnecessary burdens on employers, C/TPAs, and other parties.

### Below are the most significant changes:

- Four semi-synthetic opioids have been added to the DOT drug testing panel (hydrocodone, oxycodone, hydromorphone, and oxymorphone)
- MDA (methylenedioxyamphetamine) has been added as an initial test analyte because, in addition to being considered a drug of abuse, it is a metabolite of methylenedioxyethylamphetamine ("MDEA") and methylenedioxymethamphetamine ("MDMA")
- MDEA has been removed from the existing panel
- Employers and consortium/third party administrators ("C/TPAs") are no longer required to submit blind specimens
- Three "fatal flaws" have been added to the list of specimen rejection reasons
- The "shy bladder" process has been modified so that the collector will discard certain questionable specimens.

*The DOT Final Rule will become effective on January 1, 2018, with changes aligning closely with the recent amendments to the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs"*

Frasco Profiles is working diligently to ensure all DOT program clients transition smoothly to the new 2018 criteria.

Clients that are not subject to the DOT requirements, but comply with the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs" should review their current drug testing policies to ensure they comply with the new rules and guidelines. Should you have questions about your drug testing panels, please contact your Customer Service Representative at 800-820-9029.

*Note: This Alert should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have regarding this notice.*

**Full text of the DOT Final Rule is available at:**

<https://www.gpo.gov/fdsys/pkg/FR-2017-11-13/pdf/2017-24397.pdf>

**Full text of the HHS Mandatory Guidelines is available at:**

<https://www.federalregister.gov/documents/2017/01/23/2017-00979/mandatory-guidelines-for-federal-workplace-drug-testing-programs>