

MRO UPDATE

VOL. 12, JAN. - DEC. 2006

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Adulteration and Substitution

- » March – Fake Penis Nuked in Mini-Mart Microwave
- » August – Nurse Caught With Stolen Urine Samples
- » Nov/Dec – Court Says Substituted Specimen Isn't a Refusal to Test (OH)

Alcohol Testing

- » March – Employer Justifies Long Treatment Requirement for Alcohol-Using Employee (IL)
- » June/July – Positive Alcohol Breath Test Blamed on Mints (AR)
- » June/July – Employee Blames Alcohol Test Result on Cough Syrup (MN)
- » August – State Law Fails to Distinguish Drug v. Alcohol Tests (OK)
- » Sept – Ethyl Glucuronide Tests for Alcohol Use
- » Nov/Dec – SAMHSA Warns Against Relying on EtG Tests
- » Nov/Dec – Ethyl Glucuronide in Hair Correlates with Daily Intake

Amphetamines

- » Feb – Isomers Delay Reporting of Methamphetamine-Positive Results
- » March – Abuse of Prescription Amphetamines Rampant
- » April – Occupational Exposure to Methamphetamine Does Not Cause Positive Drug Test Results
- » May – False-Positive Drug Test After Eating at Applebee's
- » Nov/Dec – Employee Altered Prescription to Pass Drug Test (IN)
- » Nov/Dec – Elmo Used to Smuggle Meth

Cocaine

- » Oct – Repeated Cocaine Use Extends Detection Period
- » Nov/Dec – Cocaine Energy Drink Isn't The Real Thing

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- » June/July – Collection Site Asks Donors for Prescription Information
- » Nov/Dec – Jury Finds Collector Negligent, Awards Donor \$120,000 (IL)

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- » Jan – Drug Test Release and Consent Forms
- » June/July – Physician Sued for Telling Police About Positive Drug Test (ND)
- » Nov/Dec – Misfaxed Chain-of-Custody Forms Make TV News

Department of Defense

- » Feb – Federal DOD Law Preempts State Law (IA)

Department of Health and Human Services

- » Sept – Alternative Specimen Rule Delayed

Department of Transportation

- » Jan – Employers Must Report Positives to the State (NC)
- » Feb – Random Rates Remain the Same
- » May – Does DOT Require Drug Tests of School Bus Drivers?
- » Sept – New DOT Interpretations
- » Oct – New Type of Canceled Test
- » Oct – State Drug Test Law Does Not Apply to DOT Test (MN)

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- » Feb – Arbitrator Orders Reinstatement After First Offense (CA)
- » June/July – Fired for Drug Policy Violation While on FMLA Leave (WI)
- » August – Court Overturns Arbitrator's Decision to Reinstatement (MI)
- » Sept – Supreme Court Says Unionized Worker Can Sue Instead of Arbitrate (AK)

- » Sept – Court Allows Drug Test Record at Hearing Without Testimony by Collector or Lab (IN)
- » Sept – Unclear if Employee Got the Full Policy (IA)
- » Oct – Policy Should State Consequences of Positive Test (IA)
- » Oct – Worker Fired Five Months After Pre-Employment Test (MI)
- » Oct – Employers May Want to State Positive Tests are "Misconduct" (MO)
- » Oct – Drug Test of Security Guard Was Reasonable (NY)

Discrimination

- » April – Fired for Refusing Drug Test, Not Because of His Race (CA)
- » April – ADA Doesn't Protect Marijuana User (CT)
- » May – Court Upholds Firing of Medical Marijuana User (OR)
- » June/July – Cocaine User Not Protected by ADA (NY)
- » August – Fired for Positive Drug Test, Not Age (PA)
- » August – Firing Over Drug Test Violated Human Rights Law (Alberta, Canada)
- » Nov/Dec – Positive Drug Test Followed by Discrimination Charge (IN)

Drug Abuse Trends

- » Jan – Prescription Narcotic Abuse Rises Among U.S. Teens
- » Feb – Study Finds Seven Percent of Workers Drink on Job
- » March – Adolescents With Jobs Are More Likely to Use Drugs and Alcohol
- » March – Young Adults With Stressful Jobs Are More Likely to Become Drug-Dependent
- » May – Mexico (Almost) Decriminalizes Possession of Small Amounts of Narcotics
- » Oct – These Are Your Parents on Drugs

Drug Testing Trends

- » March – Primary Care Physicians Mishandle Drug Tests of Adolescents
- » May – Police Department Can Require Annual Drug and Alcohol Tests (NJ)
- » June/July – Fewer Positive Tests for Methamphetamine
- » June/July – Drug Testing of Miners (KY)
- » June/July – Testing Required for Public Works Projects (WI)
- » August – South Australia Parliament Wants Doctors Randomly Drug Tested
- » Oct – Urine Drug Test Finds Cancer

Federal Aviation Administration

- » Feb – Contractor and Subcontractor Testing
- » April – Delayed Testing of Contractors and Subcontractors
- » June/July – Pilot Medical Disqualification for Refusal to Take Tests
- » Nov/Dec – Random Test Rates Unchanged

Federal Transit Administration

- » Jan – 2006 Substance Abuse Seminars
- » June/July – Proposal to Eliminate Duplicate Testing Requirements
- » Nov/Dec – Annual Conference in New Orleans

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- » April – Security Guard on Methadone
- » April – Ambien-Impaired Driving in the News
- » Nov/Dec – Forklift Driven Under the Influence (MN)

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- » Jan – Court Upholds Sciteck’s Decertification (NC)
- » April – Hair and Oral Fluid Labs Fail Performance Tests
- » June/July – Kroll Lab Buys Express Analytical
- » Sept – Jury May Have Been Swayed by Lab’s Disclaimer (NY)

Marijuana and Synthetic THC

- » Jan – Rhode Island Goes to Pot (RI)
- » Feb – Worker Fired Because of Marijuana in His Briefcase (MI)
- » April – DEA Seizes Marijuana-Laced Candy
- » April – Marinol is Reasonable Treatment for Chronic Pain (WY)
- » April – Cesamet, a Synthetic Cannabinoid, Returns to U.S. Markets
- » May – FDA Restates its Rejection of Medical Marijuana
- » August – Medical Marijuana Made Easy
- » Oct – Marijuana Metabolite is Detectable in Oral Fluid
- » Nov/Dec – Voters Say No to Marijuana (CO, NV, SD)
- » Nov/Dec – Officer Blames Positive Test on Spiked Meatballs (NY)

Medical Review Officers

- » Jan – When is the MRO Review Complete?
- » Jan – MRO’s Decision Not Subject to Arbitration (NY)
- » Feb – FDA Warning: Brazilian Diet Pills Cause Positive Drug Tests
- » Feb – MRO Assistant Course
- » Feb – MRO Courses/MROCC Certification at AOHC 2006
- » May – Positive and Invalid
- » May – MROs and TPAs
- » June/July – Donor’s Printed Name on CCF is Incorrect
- » August – Should MROs Tell Donors About Missing Specimens?
- » August – Old Prescriptions

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- » Feb – Morphine Metabolism to Hydromorphone
- » Sept – Hair Study Finds Hydrocodone from Codeine, Hydromorphone from Morphine
- » Sept – Codeine Appears in Sweat Up to Two Weeks After Use
- » Oct – Proposed 90-Day Prescriptions for Schedule II

Point-of-Collection Testing

- » Jan – No Reporting of On-Site Positives to Employers (ME)
- » Feb – On-Site Drug Test Technician Accused of Taking Bribes for Negative Results

Post-accident Testing

- » Jan – Delayed Post-Accident Test Doesn’t Trigger Loss of Benefits (LA)
- » Feb – Robbed and Beaten, She Forgot Her Post-Accident Test (OH)
- » June/July – Passengers Wait Six Hours While Train Engineer Undergoes Drug Test
- » Nov/Dec – Employer Can Require Post-Accident Test at Later Date (OH)

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- » Jan – Random Tests Limited to Athletes and Safety-Sensitive Workers (MN)

Reasonable Suspicion

- » March – Tests Were for Reasonable Cause, Not Retaliation (CA)
- » Nov/Dec – Test Can Lag Reasonable Suspicion Determination (WV)

Refusal to Test

- » April – Fired for Refusing Drug Test, Not Because of His Race (AL)
- » June/July – Fired for Refusing Random Test (NY)
- » August – On-Call Pilot Fired for Delay in Taking Test (OH)
- » August – Fired for Refusing Test, Not Disability (PA)
- » Sept – Trucking Company OK in Firing Over Refusal to Test (MN)
- » Oct – Employee Forfeits Benefits After Refusal to Test (IA)

School Drug Testing

- » Jan – Mandatory Steroid Testing of High School Athletes
- » Oct – Schools Reluctant to Test Students for Drugs

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- » Feb – Shy Bladder Decision on DOT Test Exempt from Arbitration (NY)
- » Feb – Arbitrator Overrules Non-DOT Shy Bladder Decision (NY)

Split Specimen Test

- » April – Driver Reinstated Because Split Specimen Procedure Not Followed (IL)
- » May – Mishandled Split Doesn’t Necessarily Cancel Test (NJ)
- » Sept – Split Specimens Were Properly Discarded (MN)

Substance Abuse Professionals

- » April – Family and Marital Therapists as SAPs?
- » Oct – Marriage and Family Therapists as SAPs

United States Coast Guard

- » Jan – Post-Accident Testing at Sea
- » Jan – Random Test Rate Unchanged

Unemployment Compensation

- » April – Failed Drug Test is Basis for Denial of Unemployment Benefits (ID)
- » May – Proving On-Duty Drug Use Not Needed to Deny Unemployment Benefits (PA)
- » June/July – Pro-Employer Revisions to Unemployment Benefits Law (MO)
- » June/July – Employers Failed to Equate Positive Drug Test with Misconduct (MO)
- » Sept – Unemployment Benefits Forfeited for Not Completing Treatment (MN)

Workers’ Compensation

- » Feb – Tried to Get Back on Workers’ Comp After Positive Test (LA)
- » May – Intoxicated Policeman May Be Entitled to Workers’ Comp (OH)
- » June/July – Conventioneer Injured While Drunk, Not Entitled to Comp Benefits (OH)
- » Oct – Positive Drug Test Accepted as Evidence of Intoxication (NE)
- » Oct – Injured Employee Keeps Workers’ Comp Benefits (OH)
- » Oct – Can’t Deny Benefits Based Only on Positive Test (TN)
- » Nov/Dec – Workers’ Comp Benefits Denied Because of Positive Test (LA)

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