

MRO UPDATE

VOL. 16, JAN. - DEC. 2010

Index to Articles

Adulteration and Substitution

- » March – Donor Almost Dies from Taking Niacin to Beat Drug Test
- » April/May – Whizzinator Maker Jailed
- » April/May – Pilot Arrested for Selling Products to Beat Drug Tests
- » June – Termination for Negative-Dilute Tests is Not Illegal (CA)
- » Sept – Pilot Who Sold Drug-Test-Beating Potion Gets 9 Months in Prison
- » Feb – Admitted Off-duty Use is Not Misconduct (TN)
- » March – Refusal to Test is Misconduct (MO)
- » April/May – Firing Over Positive Result Violated Employment Contract (WV)
- » July – Judge Dismisses Police Officer's Suit Over Steroid Tests (NJ)
- » Aug – Court Lets Firefighter Retire After Positive Drug Test (NY)

Alcohol

- » March – Non-alcohol Wine Causes Positive Results for Alcohol Metabolite
- » April/May – Police Chief Fired for DUI, Not Alcoholism (IL)
- » July – Employee Says She Was Denied MRO Review of Alcohol Result (TN)

Amphetamines

- » June – Breath Tests for Amphetamines

Athletic Testing

- » June – Judge Dismisses Mayfield's Suite Against NASCAR (NC)
- » June – Athletes Blame Pigs for Positive Tests
- » Aug – NFL Unannounced Tests - Now or Later

Benzodiazepines

- » July – Benzodiazepine Conversions at the Laboratory

Collection

- » Jan – Urine Samples Stolen from Collection Site
- » Aug – Test Is Admissible Even without Collector's Testimony (PA)

Department of Transportation (DOT)

- » Feb – DOT Proposes Adding MRO Recertification, Dropping CME Requirements
- » March – Three Revised DOT Procedures
- » March – Company Fires Supervisor Who Questioned Compliance (PA)
- » June, July – Implementation of Revised Alcohol Test Form Postponed
- » Aug – DOT Requires MRO Recertification Every Five Years
- » Sept/Oct – Guidelines and Rule Changes for October 1, 2010

Disciplinary Action

- » Jan – Employer Had to Act on Drug Test It Did Not Order (OH)
- » Jan – Ex-Cop Claims He was Victim of Union Anti-drug Testing Efforts (WA)

Discrimination

- » Jan – Firing Employee Over 222s Was Not Discriminatory (ID)
- » Jan – Driver's Problems Started with Suspected Drug Thefts (KY)
- » Jan – Company Not Required to Accommodate Drug-Using Driver (UT)
- » Feb – Supervisor Eavesdropped on MRO Interview, Violated ADA
- » Feb – Worker Claims Test Ordered Because of Race Discrimination (VA)
- » June – Dismissed Because of Positive Result, Not Race (IN)
- » June – Trucking Company Says Driver Hid Substance Abuse (MN)
- » Aug – No Evidence of Employment Discrimination (IN)
- » Nov – Fired After Third Cocaine-Positive, Sues for Discrimination (AL)

Drug Testing Trends

- » July – Drug Testing of Welfare and Unemployment Recipients

Federal Motor Carrier Safety Administration (FMCSA)

- » Feb – Driver Medical Examiner Certification
- » July – Changes Coming to DOT Physicals

Hair Testing

- » Jan – Court Allows Random Hair Testing of Police Officers (NY)
- » Jan – Hair Tests to Screen Candidates for Organ Transplants
- » July – Bald Man Wins Hair Appeal (Ire.)
- » Nov – Court (Again) Upholds Police Department Hair Tests (NY)

Laboratories

- » Jan – Crime Labs Strained by Requirements for Testimony
- » Jan – San Diego Jails Release Suspects Because of Lab Errors
- » Feb – Inverness Buys Kroll Laboratory Specialists
- » April/May – Donor Has Right to Cross-Examine Lab Analyst (GA)
- » June – No Right to Confront Lab Staff in Workplace Testing (NY)
- » June – No Evidence That Result Was False-Positive (TN)

Marijuana

- » Jan – Medical Marijuana for Kids
- » Jan – Teens Smoking More Marijuana
- » Feb – Medical Marijuana Signed Into Law (NJ)
- » Feb – Flying High on Medical Marijuana
- » March – Fake Pot Panic
- » March – WalMart Fires Medical Marijuana-using Clerk with Cancer
- » April/May – New Passive Pot Exposure Study (Still) Finds No Positive Results
- » April/May – Employer Need Not Accommodate Medical Marijuana
- » April/May – Most Americans Support Medical Marijuana
- » April/May – Marijuana Advocates Tricked Into Joining Republican Party
- » June – D.C. Legalizes Medical Marijuana
- » June – Distinguishing New from Old Use of Marijuana
- » July – Marijuana Prices Would Drop with Legalization
- » July – Nine Percent of Montana Parolees Use Medical Marijuana
- » Aug – Veterans Department Tolerates Medical Marijuana
- » Sept/Oct – State Medical Marijuana Initiatives
- » Nov – Medical Marijuana Law With Job Protection (AZ)
- » Nov – Voters Reject Marijuana Legalization (CA)
- » Nov – Voters Reject State-Run Dispensaries (OR)
- » Nov – Voters Reject Medical Marijuana (SD)

Medical Review Officers

- » Jan – RVUs for MRO Work
- » Jan – MRO Required in Refinery's Random Testing Program (Aus.)
- » March – MRO Imposter Pleads Guilty to Wire Fraud Charges
- » March – Liability Protection for Employers Who Use MROs (UT)
- » March – MRO Walked Out on His Own Drug Test, Claims Ignorance of Rules
- » April/May – MRO Review and Split Test Were Due Process (NY)
- » April/May – MROCC's 4th Edition MRO Manual
- » April/May – ACOEM Sponsors July MRO Fast Track Course
- » Aug – Army Considers 1-Year Threshold for Old Medications
- » Aug – Drug Test Overview for Family Practitioners
- » Sept/Oct – Rogue "MRO" Gets 22 Months in Prison

On-Site Tests

- » Feb – Branan Medical Selling Non-approved Drug Test Kits (see also March erratum)

Opioids

- » Jan – 6-AM Detected in Morphine-negative Specimens
- » March – Opioid Sharing in Utah
- » July – Opioid-Caused Emergency Room Visits Soar
- » Nov – Higher Rates of Opioid-Positives
- » Nov – Higher Rates of Marijuana and Opioid Use
- » Nov – Positives from Prescription Opioids Impurities
- » Nov – Eat a Bagel, Lose a Baby (PA)

Oral Fluid Testing

- » March – Marijuana a Problem for New On-site Oral Fluid Test Kits
- » April/May – Lack of Correlation Between Blood and Oral Fluid Drug Concentrations
- » Aug – Oral Fluid EtG Tests Have Short Detection Periods
- » Aug – Oral Fluid Positive Rates Related to Sample Volume

Pipeline and Hazardous Materials Safety Administration (PHMSA)

- » March – Extended Due Date for MIS Reports

Post-Accident Testing

- » Feb – Benefits Denied After Post-accident Non-contact Positive (AR)
- » March – Trucker Sues Police Officer Who Drove Him to Post-accident Test Site (PA)
- » June – Positive Post-Accident Test Doesn't Prove Intoxication (IL)
- » June – Benefits Forfeited by Positive Post-Accident Test (KS)

Prescription Drugs

- » Jan – Pharmacies Not Liable for Overprescribing
- » April/May – Prescription Drug Overdoses Up 65 Percent
- » June – Limited Evidence That Drug Testing of Pain Patients is Effective
- » Aug – DOE Considers Testing for Prescription Drugs
- » Aug - DEA Hosts Prescription Drug Take-Back Day
- » Nov – State Law Prohibits Phenobarbital Test (OK)
- » Nov – Court Dismisses Suit by Workers Fired for Prescription Drug Positives (TN)
- » Dec – Workplace Testing for Prescription Drugs

Random Testing

- » Jan – DOT Random Rates Unchanged in 2010

Refusal to Test/Shy Bladder

- » April/May – No Excuse for Refusal to Test (CA)
- » April/May – No Disability Payments After Refusal to Test (NE)
- » April/May – Appeals Court Voids Shy Bladder Decision (NY)
- » Aug – When is a Late Arrival a "Refusal to Test"? (OH)
- » Aug – Shy Bladder Will Be Examined Under ADAA (TN)

Safety

- » Feb – Handling Safety Concerns

School Drug Testing

- » July – Student Testing Programs Reduce Drug Abuse
- » Sept – No Drug Testing of Students in Band or Chess Club (CA)

Substance Abuse and Mental Health Services Administration (SAMHSA)

- » March – CCF Revisions Delayed
- » March – Inching Toward Federal Approval of MRO Certification Bodies
- » April/May – HHS Postpones Changes Until October 1, 2010
- » Sept/Oct – New Director at Division of Workplace Programs

Third-Party Administrators

- » Jan – HireRight Purchases NDI

Workers' Compensation

- » Jan – Can't Deny Workers' Comp for Refusal to Test (AR)
- » July – Worker Claims PTSD from Drug Test (DC)
- » Nov – Worker Tests Positive, Fails to Rebut Presumption (AR)

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