

# MRO UPDATE

## VOL. 17, JAN. - DEC. 2011

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#### Federal Aviation Administration

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- » Feb – *FAA Fines Employers for Drug Test Violations*

#### Federal Transit Administration

- » Feb – *FTA Drug and Alcohol Program National Conference*

#### Hair Testing

- » March/April – *Variability in Hair Growth and Collection Technique*

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- » Feb – *Ameritox Settles Charges of Kickbacks for Pain Clinic Tests*
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- » Jan – *Teens Smoking More Marijuana*
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- » May – *Feds Threaten Crackdown on Medical Marijuana Distributors*
- » May – *Employers Can Exclude Medical Marijuana Users, Arizona*

- » May – Delaware Legalizes Medical Marijuana
- » May – Maryland Decriminalizes Medical Marijuana
- » June – Employer Can Reject Medical Marijuana
- » July – Truckers Can't Use Medical Marijuana
- » Aug/Sept – No Unemployment Benefits Despite Medical Marijuana Claim
- » Aug/Sept – Employer Can Fire Medical Marijuana User
- » Nov – Support for Marijuana Legalization at All-Time High
- » Nov – Federal Crackdown on California's Medical Marijuana Trade
- » Nov – Driver Marijuana Use Linked to Increased Crash Risk

#### **Medical Review Officers**

- » Feb – MRO Courses Offered at March American Occupational Health Conference
- » May – ACOEM Sponsors July MRO Fast Track Course
- » July – In the Army, Prescription Drugs Expire in Six Months
- » July – MRO Report Inadmissible without Witness Testimony
- » Oct – Change to MRO Reports, DOT
- » Nov – MROs Reversing Positives at Higher Rates
- » Dec – Approved MRO Training and Certification Entities

#### **Opioids**

- » Jan – FDA: Propoxyphene Removed from U.S. Market
- » Jan – Positive for 6-AM, Negative for Morphine
- » Feb – New Panel Produces More 6-AM Positives
- » May – Hydrocodone Prescriptions Surge
- » May – Prescription Forger Gives Judge a Forged Doctor's Note
- » June – Prescription Medication Borrowing is Common
- » June – Use of Daughter's Medication Results in Termination
- » July – Truckers Cannot Take Methadone, Maine
- » Aug/Sept – SAMHSA and DOT to Add Several Schedule II Drugs
- » Oct – Erratum: DOT and Schedule II Drugs
- » Nov – 6-AM Positive, Morphine Nondetectable
- » Dec – Higher Rates of Oxycodone- and Hydrocodone-Positive Tests
- » Dec – Prescription Opioid Treatment and Deaths Skyrocket

#### **Oral Fluid Testing**

- » Jan – Religious Objection to Saliva Tests
- » June – Feds Reconsider Oral Fluid Drug Tests
- » June – European Guidelines for Workplace Drug Testing in Oral Fluid
- » Aug/Sept – Increase in Oral Fluid Testing

#### **Phencyclidine**

- » May – False-Positive PCP Screen from Lamotrigine
- » Oct – False-Positive PCP Screens from Tramadol

#### **Preemployment Testing**

- » Nov – Employee Abandoned Job After Positive Drug Test

#### **Prescription Drugs**

- » Feb – Prescription Drug Overdoses Double from 2004 to 2009

#### **Reasonable Suspicion Testing**

- » Jan – Reasonable Cause Testing is Effective at Identifying Substance Abuse

#### **Refusal to Test/Shy Bladder**

- » Jan – No MRO Interview for Shy Bladder
- » March/April – Is Paruresis an Acceptable Explanation for a Shy Bladder?

- » Nov – EEOC Says Shy Bladder is Probably Covered by ADA
- » Nov – Shy Bladder DOT-Covered Donor Not Entitled to Blood Test

#### **Return to Duty Testing**

- » March/April – Employee Blames EAP for Positive Drug Test

#### **Safety**

- » Feb – Weed Wacker Has Safety-Sensitive Job
- » June – Parents Not Liable for 23-Year-Old Daughter's Drug-Related Assault

#### **School Drug Testing**

- » Feb – Court Says Random Testing of Teachers is Justified
- » June – Drug Testing Okay for Students in Extracurricular Activities
- » Nov – Judge Stops College Student Drug Tests

#### **Screen-Only Drug Tests**

- » June – State-Authorized Screen-Only Drug Testing, Oklahoma
- » Oct – Non-confirmed Drug Test Not Grounds for Denying Benefits

#### **Sports Testing**

- » Feb – NFL Drug Test Not Covered by State Drug Testing Law
- » July – Lightning and Musk Deer Blamed for Positive Steroid Tests

#### **Substance Abuse and Mental Health Services Administration (SAMHSA)**

- » Jan – Approved MRO Training and Certification Bodies
- » Dec – Approved MRO Training and Certification Entities

#### **Truck and Bus Drivers**

- » Aug/Sept – Final Rule for Medical Examiner Certification Imminent
- » Aug/Sept – Three-Year Suspension for School Bus Drivers Who Test Positive
- » Dec – Driver Fails Drug Test, Court Orders Reinstatement

#### **Workers' Compensation**

- » Jan – Post-Accident Test Required Even if No Workers' Comp Claim
- » Feb – Drunk Worker Gets Workers' Comp Benefits
- » May – Rebuttable Presumption is About Causation, Arkansas
- » June – Delayed Denial of Benefits for Positive Drug Test

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