

QUESTION:

Part 40 directs the collector to discard the first specimen if the temperature was out of range or the specimen showed signs of tampering and the employee refused to provide a second specimen under direct observation. The Urine Specimen Collection Guidelines [at Section 8, Directly Observed Collection, Number 7] indicate that, in such a situation, the first specimen should be retained and sent to the laboratory. Which requirement is correct?

ANSWER:

- When a specimen is out of temperature range or shows signs of tampering and the employee refuses to provide a second specimen under direct observation, it is considered a refusal to test. The collector does not retain the first specimen, but discards it.
- The requirement in the Urine Specimen Collection Guidelines, Version 1.0, to retain the specimen and send it to the laboratory, was inserted inadvertently.
- Urine Specimen Collection Guidelines, Version 1.01, contain the proper procedures as directed by 40.65.