

QUESTION:

What must an MRO do when he or she determines that there is no split laboratory capable of testing the adulterant identified by the primary laboratory after the employee has asked for the split to be tested?

ANSWER:

- The Department views this situation as closely paralleling the MRO reporting requirement, at 40.187(d), when the split specimen is not available for testing after the request to test the split is made by the employee. Therefore, the MRO needs to follow similar steps.
 - * The MRO must report to the employer that the specimen, “Failed to Reconfirm: Split Laboratory not Available for Testing.”
 - * The MRO must also report to the DER and the employee that the test result must be cancelled and the reason for the cancellation.
 - * The MRO must direct the DER to ensure the immediate collection of another specimen from the employee under direct observation, with no notice give to the employee of this collection requirement until immediately before the collection.
 - * Finally, the MRO must notify ODAPC of the failure to reconfirm.
- The result of the collection under direct observation will be the result of record for this testing event.