

UNITED STATES DEPARTMENT OF TRANSPORTATION REMINDER NOTICE



We want to strongly remind Medical Review Officers (MROs), Consortia/Third Party Administrators (C/TPAs), collectors, and employers of the following important 40 CFR Part 40 regulatory requirements:

- The MRO's name, address, phone number, and fax number must be on the CCF and cannot be substituted with the C/TPA's information. [See: [40.14 \(f\)](#) and [40.45 \(c\)\(2\)](#)]
- The MRO address must be the MRO's street address and not a P.O. Box. [See 40.45 interpretation below*.]
- Laboratory drug test results must go directly to the MRO and not through a C/TPA. [See: [40.355 \(b\)](#) and [Appendix F](#) to Part 40.]
- MRO supervision of staff must be meaningful, even if the staff are employees of a C/TPA and not of the MRO. The MRO must have hiring and firing authority over them for their work with the MRO. [See: [40.127](#) / 40.127 preamble text below** / [40.353](#) / (other places, too).]

* §40.45

09/01

QUESTION:

May the MRO's address entered on the CCF be a post-office box number only?

ANSWER:

- No. **The address must contain at least a number and street address.**
- The reason for this requirement is that CCFs are often delivered by courier or messenger services who do not deliver items to post office box addresses.
- The post-office box can be included, but not in lieu of the number and street address.

**** 40.127 Preamble:** The Department does not intend, through use of this language, to mandate that MROs must share the same physical space with all their staff members at all times. As commenters noted, direct personal supervision need not be physically face-to-face on an all-day, every day basis. Supervision can also take place through using a variety of electronic communications. However, the **direct personal supervision must be meaningful. It involves personal oversight of staff members' work; personal involvement in evaluation, hiring, and firing; line authority over the staff for decisions, direction and control; and regular contact and oversight concerning drug testing program matters. It also means that the MRO's supervision and control of the staff members cannot be superseded by or delegated to anyone else with respect to test result review and other functions staff members perform for the MRO. In addition, CCFs may not contain fictitious addresses for MROs, and MROs must be personally involved with the review process when a confirmed positive, adulterated, or substituted result is received.**