# DEPARTMENT OF THE ARMY HEADQUARTERS, UNITED STATES ARMY MEDICAL COMMAND 2050 Worth Road Fort Sam Houston, Texas 78234-6000

MEDCOM Regulation No. 40-51

30 March 2005

## Medical Services MEDICAL REVIEW OFFICERS AND REVIEW OF POSITIVE URINALYSIS DRUG TESTING RESULTS

Supplementation of this regulation and establishment of forms other than MEDCOM forms are prohibited without prior approval from HQ MEDCOM, ATTN: MCHO-CL-H.

- **1. HISTORY.** This is the first printing of this publication.
- **2. PURPOSE.** This regulation establishes policy for physicians assigned duties as medical review officers (MROs) in determining if a medical explanation exists for a positive urinalysis drug testing result.
- **3. APPLICABILITY.** This regulation applies to all U.S. Army Medical Command (MEDCOM) military treatment facilities (MTFs) that assign physicians to perform duties as MROs. This regulation does not apply to the review of Department of the Army civilian employees in testing designated positions.

#### 4. REFERENCES.

- a. AR 600-85, Army Substance Abuse Program.
- b. Department of Defense (DOD) Directive 1010.1, Military Personnel Drug Abuse Testing Program.
- c. DOD Directive 1010.16, Technical Procedures for Military Personnel Drug Abuse Testing Program.
- **5. EXPLANATION OF ABBREVIATIONS AND TERMS.** Abbreviations and special terms used in this publication are explained in the glossary.

#### 6. RESPONSIBILITIES.

- a. The MTF commander will--
- (1) Appoint on orders a licensed and privileged physician (Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.)) to serve as an MRO while assigned to the MTF. Military, civilian, or contract physicians can serve as MROs.
- (2) Ensure that the appointed physician attends MEDCOM-sponsored MRO training and is certified to perform duties within the first 6 months of assignment.

#### b. The MRO will--

- (1) Attend MEDCOM-sponsored MRO training (and retraining every 3 years) and become certified to review urinalysis drug testing results within the first 6 months of duty assignment.
- (2) Review all positive urinalysis drug testing results on Soldiers for the drugs listed in appendix A, paragraph 1 and for drugs listed in appendix A, paragraph 2, if requested by the unit commander.
- (3) Report findings to the appropriate installation Alcohol and Drug Control Officer (ADCO) or unit commander.
  - (4) Maintain records and confidentiality of medical information.
- (5) Read a Soldier his/her rights from DA Form 3881, Rights Warning Procedure/Waiver Certificate, and complete the form prior to starting a phone or in-person interview.

#### 7. POLICIES.

- a. In accordance with Federal law, only physicians possessing an M.D. or D.O. degree from an accredited university may serve as an MRO.
- b. The MRO will conduct a medical examination for signs of drug abuse for all morphine-positive Soldiers who do not possess a prescription for this drug and have a urinalysis drug concentration equal to or exceeding 15,000 nanograms per milliliter (ng/ml) morphine. Urinalysis results for morphine below 15,000 ng/ml in the absence of a prescription could occur as a result of ingesting poppy seeds.
- c. The MRO will report findings using only the standard reporting language contained in paragraph 8e of this regulation.

- d. The MRO will complete the medical review and notify the Soldier's unit commander and ADCO within 5 working days of receiving a positive urinalysis notification.
- e. The MRO will maintain all documentation of medical reviews for 2 years. They are normally kept at the Alcohol and Drug Coordinator's Office, but can be maintained by the MRO. These records are considered confidential and are not part of the medical files system. Forms may be destroyed after 2 years.
- f. If a physician on orders as an MRO is unable to attend MEDCOM-sponsored training within 6 months due to deployment or other circumstances, he/she must verify the results of their urinalysis test review with a certified MRO. Such verification will continue until he/she has successfully completed the MEDCOM-sponsored training.

#### 8. PROCEDURES.

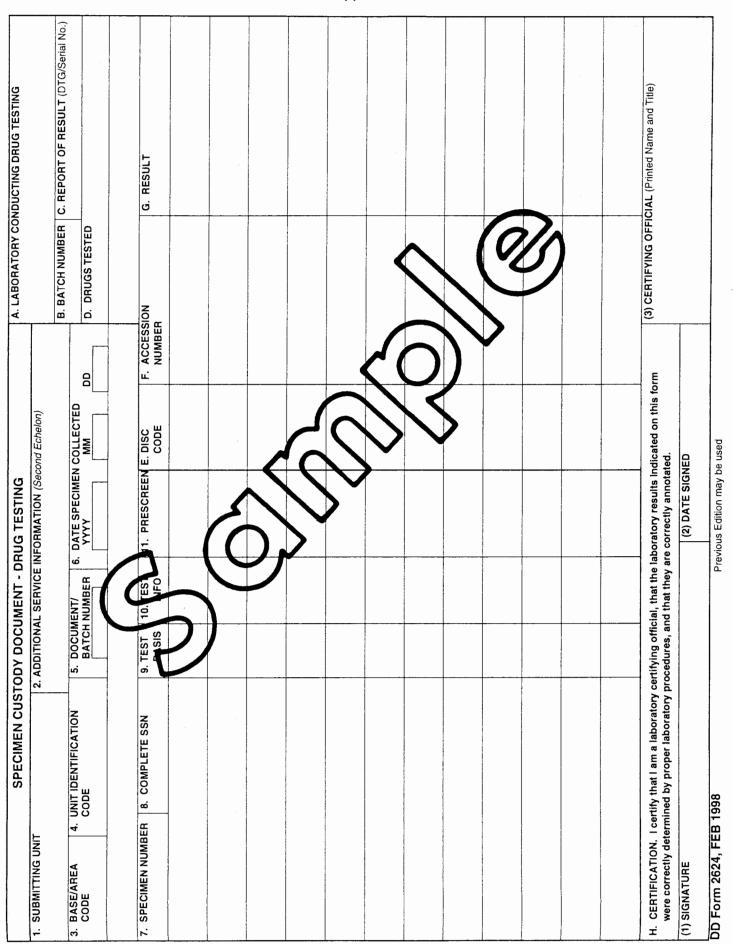
- a. Review DD Form 2624, Specimen Custody Document-Drug Testing, (appendix B) or electronic web report (appendix C) and check identifying information on the form/report to verify that the positive test result in question is from the Soldier.
- b. Review any medical evidence in the form of a medical prescription contained in the Composite Health Care System, medical records, and/or statement from the Soldier's physician or dentist documenting the drug prescribed, the date of medical or dental procedures which required prescribed drugs, and the reason for its use.
- c. If it is not possible to determine whether or not the positive result is due to legitimate use, the MRO will conduct a telephonic or direct interview with the Soldier; this interview will be scheduled through the Soldier's unit commander.
- d. When conducting a telephonic or direct interview, advise the Soldier that the purpose of the interview is to determine if there is a medical reason for the positive urinalysis drug testing result. Read the Soldier his/her rights listed in DA Form 3881 (appendix D) and instruct the Soldier that if other nonmedical information is revealed, it could be used in a legal setting and then ask for medical information related to the positive urinalysis drug testing result.
- e. Make a determination regarding the positive test result. The standard reporting language is--
- (1) "Legitimate use." The Soldier has a prescription(s) for a drug(s) which caused the positive urinalysis result.
- (2) "No legitimate use." The Soldier does not have a prescription(s) for a drug(s) that would cause a positive urinalysis test result.

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- f. If attempts to contact the Soldier for the interview fail, contact the Soldier's unit commander or ADCO. If either the Soldier's unit commander or the Soldier fails to make contact after 5 working days, the MRO may report the specimen as "No legitimate use."
- g. Record results of the review and comments on a Standard Form (SF) 513, Consultation Sheet, (appendix E) or in the MEDCOM-designated MRO reporting website.
  - h. Send a copy of the SF 513 to the installation ADCO.

#### Appendix A

- A-1. The following urinalysis drug testing results require review by the MRO:
  - a. Amphetamines (d-methamphetamine and d-amphetamine).
  - b. Barbiturates (secobarbital, phenobarbital, and butalbital).
  - c. Benzodiazepines.
  - d. Opiates (codeine, morphine).
  - e. Steroids (all steroids analyzed through the UCLA laboratory).
  - f. Synthetic Opiates (Oxycodone and Oxymorphone).
- A-2. The following drugs are not reviewed by an MRO and are sent directly to unit commanders for action. MROs will review these drugs if requested by unit commanders.
  - a. 6-monoacetylmorphine (6-MAM) heroin metabolite.
  - b. Benzoylecgonine cocaine metabolite.
  - c. Lysergic acid diethylamine (LSD).
  - d. MDMA, MDA, MDEA amphetamine and methamphetamine designer drugs.
  - e. Phencyclidine (PCP).
  - f. Tetrahydrocannabinol (THC) marijuana parent compound.



12. CHAIN OF CUSTODY	CUSTODY	LAN	THRU		INSTRU	INSTRUCTIONS	
DATE (YYMMDD)	RELEASED BY	RECEIVED BY	PURPOSE OF CHANGE/	BLOCK	USA	USN/MC	USAF
ris .	. p.	Ċ.	d.	SUBMITTING UNIT	Message ac	Message address of unit submitting urine samples	urine samples
£	SIGNATURE	SIGNATURE		ADDITIONAL SERVICE INFORMATION (SECOND ECHELON)	Do not use	Message address of second echelon commander to whom submitting unit reports administratively.	Optional. May be used to identify the base POC.
(5)	SIGNATURE	SIGNATURE	σ	BASE/ AREA CODE	Service Code Area	Leave blank for future use.	Four-character Base four-character Base F123). Comprises the first four characters of the full 10-character Base identification Number (BIDN).
(3)	SIGNATURE	SIGM TURE	4	UNIT IDENTIFICATION CODE	Unit Identification Coc aubmitting u	Unit identification Code (UIC or RUC) of unit aubmitting urine sample.	Do not use
(4)	NAME	NAME SIGNATURE	, u	DOCUMENT/BATCH NUMBER	Do not use	Enter the locally assigned batch number. Each batch of 12 samples, or portion thereof, shall be assigned a separate	3-digit batch number common to all specimens in the shipment (Ex.,501). Comprises the middle part of the full 10-orangerer BIDN assignment to each
2	NAME	NAME	<	DATE SPECIMEN COLLECTED	Enter the four-d	= =	specimen. and two-digit day mitting unit.
(5)	SIGNATURE	SIGNATURE		SPECIMEN	Use number pre to itemiz	Use number pre-printed on form to itemize bottle.	Enter 3-digit sequential specimen number (last 3 characters of full BIDN).
				COMPLETE SSN	Full SSN o	Full SSN of person from whom sample obtained.	ole obtained.
	NAME	NAME		TEST BASIS	Indicate the t	Indicate the testing premise to conduct the collection.	t the collection.
(9)	SIGNATURE	SIGNATURE			A = E1 - E4; B = E5 - O10; Civilian only: C = TDP Aviation; D = TD Guard/Police:	Anail avea I	additional testing is requested: F = Full Penel;
	NAME	NAME		CORM	E = T P P P P P P P P P P P P P P P P P P		S = Sterolds; O = Other drugs - Provide clarification in attached message.
(2)	SIGNATURE	SIGNATURE	>	PRESCH EN	If preened (field tested) And positive, indicate negative for drug(s) pro-	Peened (field tested) prior to submission and and positive, Indicate P for positive or N for eggitive for drug(s) prescreened. Leave blank If the standard rates to submission to take	Not used
	NAME	NAME	<u> </u> 2	12. CHAIN OF C STOD			
(8)	SIGNATURE	SIGNATURE			P P A	type written name of the urinalysis coordinator oe of custody is occuring andor to shinment	nalysis coordinator
	NAME	NAME			PEMARK Specutifized to ship sp	RK - Specify the mode of accountable to ship specimens to the lab.	
(6)	SIGNATURE	SIGNATURE	NG	NOTE: If/when custody of lab), each change (c) RECEIVED BY E	specimens changes oth of custody requires line in olocks to document chan	If/when custody of specimens changes other than for shipment (unless hand carried to lab), each change of custody requires line number signature in the (b) RELEASED BY and (c) RECEIVED BY blocks to document changes in custody with comment in block (d). If a	ss hand carried to )) RELEASED BY and nent in block (d). If a
	NAME	NAME	_] <del>+</del>	continuation sheet 3. DAMAGE TO SH	Is necessary, It must co	continuation sheet is necessary, it must contain information/signatures of blocks (a) - (d).  13. DAMAGE TO SHIPPING CONTAINER/DISCREPANCIES	es of blocks (a) - (d).
(10)	SIGNATURE	SIGNATURE					
	NAME	NAME					
DD Form 262	DD Form 2624, FEB 1998 (Back)						

#### Appendix C - Electronic Web Report

#### UNITED STATES ARMY FORENSIC TOXICOLOGY DRUG TESTING LABORATORY 2490 WILSON STREET FORT GEORGE G. MEADE, MD 20755-5235

Voice: 301-677-7085 Fax: 301-677-7688

E-mail: FTMDINFO@FTDTLDATA.AMEDD.ARMY.MIL

Drugs Tested Codes

A - Amphetamines B - Barbiturates

C - Cocaine

L - Lysergic Acid Diethylamide

O - Opiate

P - Phencyclidine

S - Steroids

T - Tetrahydrocannabinol

Rpt Abbreviation	Deug	Cutoff Value	LOL
•	0	Cuton value	
THC	THC	15 ng/ml	400
COC	COCAINE	100 ng/ml	2000
AMP	AMPHETAMINE	500 ng/ml	6000
MET	METHAMPHETAMINE	500 ng/ml	6000
PCP	PCP	25 ng/ml	1000
COD	CODEINE	2000 ng/ml	8000
MOR	MORPHINE	4000 ng/ml	9000
6MAM	HEROINE	10 ng/ml	100
LSD	LSD	200 pg/ml	n/a
MDMA	ECSTASY	500 ng/ml	8000
MDA	MDA	500 ng/ml	8000
MDEA	MDEA	500 ng/ml	8000
SECO	SECOBARBITAL	200 ng/ml	3000
PHENO	PHENOBARBITAL	200 ng/ml	3000
BUTAL	BUTALBITAL	200 ng/ml	3000
DMET	D- METHAMPHETAMINE	20%	n/a

> LOL = Positive greater that the limit of linearity of the assay

Positive results for marijuana (THC), cocaine (BZE), LSD, designer amphetamines, and PCP do not require evaluation by a Medical Review Officer (MRO) before the commander may release the information to law enforcement agencies. All positive results of amphetamine, methamphetamine, barbiturates, and opiates must be reviewed by an MRO prior to release to determine if there was a valid medical explanation for the positive results. The commander cannot take any adverse action against the soldier, including reporting the results to law enforcement agencies, until the MRO has made such a determination. Pending the MRO determination, the commander may administratively restrict the duty of the soldier.

The Biochemical Branch, ACSAP, may be reached by telephone at (703)681-5561 or DSN

#### Appendix C (Continued)

761-5561 if you have further questions.

The OFFICIAL report of a POSITIVE is a certified copy of the chain-of-custody form. Chainof-custody forms with positive results will be mailed to the ADCO. Please call if there are questions.

Fort Meade FTDTL - For A Drug Free Fighting Force

Results Report for: USA Date Reported: 20040413 BAC: Unit: Lab: FTMD Date Coll: 20040404 Doc: 0001 Form #: 001074014 ID SSN LAN DISC DRUGS TESTED RESULTS 001 M0110753165 ABCLOPT NEGATIVE 002 M0110753166 ABCLOPT NEGATIVE 003 M0110753167 ABCLOPT NEGATIVE ABCLOPT NEGATIVE 004 M0110753168 ABCLOPT NEGATIVE 005 M0110753169 POSITIVE THC 403 ABCLOPT M0110753170 ABCLOPT NEGATIVE 007 M0110753171 ABCLOPT NEGATIVE M0110753172 ABCLOPT NEGATIVE 009 M0110753173 ABCLOPT NEGATIVE

> ABCLOPT ABCLOPT

Results Report for: USA

M0110753175

Date Reported: 20040413

011

010 M0110753174

012 M0110753176

BAC: Unit: Lab: FTMD Date Coll: 20040403 Doc: 0003 Form #: 001073209 ID SSN LAN DISC DRUGS TESTED RESULTS 001 M0110754070 ABCLOPT NEGATIVE 005 M0110754071 ABCLOPT **NEGATIVE** 009 M0110754072 ABCLOPT **POSITIVE COC 12390** M0110754073 ABCLOPT **NEGATIVE** 012 M0110754074 ABCLOPT NEGATIVE

NEGATIVE

NEGATIVE

#### Appendix D RIGHTS WARNING PROCEDURE/WAIVER CERTIFICATE For use of this form, see AR 190-30; the proponent agency is ODCSOPS DATA REQUIRED BY THE PRIVACY ACT AUTHORITY: Title 10, United States Code, Section 3012(g) PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately ROUTINE USES: identified. DISCLOSURE: Your Social Security Number is used as an additional/alternate means of identification to facilitate filing and LOCATION DATE FILE NO. TIME 5. NAME (Last, First, MI) ORGANIZATION OR ADDRESS 6. SSN GRADE/STATUS PART I - RIGHTS WAIVER/NON-WAIVER CERTIFIC Section A. Rights The investigator whose name appears below told me that he/she is with the United States Army me about the following offense(s) of which I am Before he/she asked me any questions about the offense(s), however, he/she made it clear, 1. I do not have to answer any question or say anything. 2. Anything I say or do can be used as evidence against me in a criminal trial. 3. (For personnel subject othe UCMJ I have the right to talk privately to a lawyer er questioning and to have a lawyer present with me during questioning. This lawyer can be a civilian lawyer I arrange for at ent or a military lawyer detailed for me at no expense to me, or both. (For civilians not subject to the UCMJ) I have the right to talk p d after questioning and to have a lawyer present with me during questioning. I understand that this lawyer can be y own expense, or if I cannot afford a lawyer and want one, a lawyer will be appointed for me before any questioning begins. If I am now willing to discuss the offense(s) under investiga a lawyer present, I have a right to stop answering questions at any time, or speak privately with a lawyer before answering furwaiver below. COMMENTS (Continue on reverse side) Section B. Waiver I understand my rights a willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer first and without having a lawyer present SIGNATURE OF INTERVIEWEE ble) NAME (Type or Print) ORGANIZATION OR ADDRESS A SIGNATURE OF INVESTIGATOR h. NAME (Type or Print) TYPED NAME OF INVESTIGATOR ORGANIZATION OR ADDRESS AND PHONE ORGANIZATION OF INVESTIGATOR

DA FORM 3881, NOV 89

☐ I want a lawyer

I do not want to give up my rights

SIGNATURE OF INTERVIEWEE

Section C. Non-waiver

EDITION OF NOV 84 IS OBSOLETE

ATTACH THIS WAIVER CERTIFICATE TO ANY SWORN STATEMENT (DA FORM 2823) SUBSEQUENTLY EXECUTED BY THE SUSPECT/ACCUSED

I do not want to be questioned or say anything

#### PART II - RIGHTS WARNING PROCEDURE

#### THE WARNING

- 1. WARNING Inform the suspect/accused of:
  - a. Your official position.
  - b. Nature of offense(s).
  - c. The fact that he/she is a suspect/accused.
- RIGHTS Advise the suspect/accused of his/her rights as follows: "Before I ask you any questions, you must understand your rights."
  - a. "You do not have to answer my questions or say anything."
  - "Anything you say or do can be used as evidence against you in a criminal trial."
  - c. (For personnel subject to the UCMJ) "You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer

can be a civilian you arrange for at no expense to the Government or a military lawyer detailed for you at no expense to you, or both."

- or -

(For civilians not subject to the UCMJ) You have the right to talk privately to a lawyer before, during, and after questioning and to have a lawyer present with you during questioning. This lawyer can be one you arrange for at your own expense, or if you cannot afford a lawyer and want one, a lawyer will be appointed for you before any questioning begins."

d. "If you are now willing to discuss the offense(s) under investigation, with or without a lawyer present, you have a right to stop answering questions at any time, or speak privately with a lawyer before answering further, even if you sign a waiver certificate."

Make certain the suspect/accused fully understands his/her rights.

#### THE WAIVER

"Do you understand your rights?"

(If the suspect/accused says "no," determine what is not understood, and if necessary repeat the appropriate rights advisement. If the suspect/accused says "yes," ask the following question.)

"Have you ever requested a lawyer after being read your rights?" (If the suspect/accused says "yes," find out when and where. If the request was recent (i.e., fewer than 30 days ago), obtain legal advice whether to continue the interrogation. If the suspect/accused says "no," or if the prior request was not recent, ask him/her the following question.)

"Do you want a lawyer at this time?"

(If the suspect/accused says "yes," stop the questioning until he/she has a lawyer. If the suspect/accused says "no," ask him/her the following question.)

"At this time, are you willing to discuss the offense(s) under investigation and make a statement without talking to a lawyer and without having a lawyer present with you?" (If the suspect/accused says "no," stop the interview and have him/her read and sign the non-waiver section of the waiver certificate on the other side of this form. If the suspect/accused says "yes," have him/her read and sign the waiver section of the waiver certificate on the other side of this form.)

#### SPECIAL INSTRUCTIONS

WHEN SUSPECT/ACCUSED REFUSES TO SIGN WAIVER CERTIFICATE: If the suspect/accused orally waives his/her rights but refuses to sign the waiver certificate, you may proceed with the questioning. Make notations on the waiver certificate to the effect that he/she has stated that he/she understands his/her rights, does not want a lawyer, wants to discuss the offense(s) under investigation, and refuses to sign the waiver certificate.

IF WAIVER CERTIFICATE CANNOT BE COMPLETED IMMEDIATELY: In all cases the waiver certificate must be completed as soon as possible. Every effort should be made to complete the waiver certificate before any questioning begins. If the waiver certificate cannot be completed at once, as in the case of street interrogation, completion may be temporarily postponed. Notes should be kept on the circumstances.

#### PRIOR INCRIMINATING STATEMENTS:

 If the supsect/accused has made spontaneous incriminating statements before being properly advised of his/her rights he/she should be told that such statements do not obligate him/her to answer further questions. If the suspect/accused was questioned as such either without being advised of his/her rights or some question exists as to the propriety of the first statement, the accused must be so advised. The office of the serving Staff Judge Advocate should be contacted for assistance in drafting the proper rights advisal.

NOTE: If 1 or 2 applies, the fact that the suspect/accused was advised accordingly should be noted in the comment section on the waiver certificate and initialed by the suspect/accused.

WHEN SUSPECT/ACCUSED DISPLAYS INDECISION ON EXERCISING HIS OR HER RIGHTS DURING THE INTERROGATION PROCESS: If during the interrogation, the suspect displays indecision about requesting counsel (for example, "Maybe I should get a lawyer."), further questioning must cease immediately. At that point, you may question the suspect/accused only concerning whether he or she desires to waive counsel. The questioning may not be utilized to discourage a suspect/accused from exercising his/her rights. (For example, do not make such comments as "If you didn't do anything wrong, you shouldn't need an attorney.")

COMMENTS (Continued)

	REQUEST	
го:	FROM: (Requesting physician or	activity) DATE OF REQUEST
REASON FOR REQUEST (Complaints and find	fings)	1
PROVISIONAL DIAGNOSIS	^	(O)
DOCTOR'S SIGNATURE	APPROVED PLACE OF C	ROUTINE TODAY 72 HOURS EMERGENCY
RECORD REVIEWED YES NO	PATIENT EXAMINED LYE	
	(O)	
$(C_{\underline{C}})$		
7	<i>)</i>	
SIGNATURE AND TITLE	(Continue on reverse side	DATE
OSPITAL OR MEDICAL FACILITY	RECORDS MAINTAINED AT	DEPARTMENT/SERVICE OF PATIENT
RELATION TO SPONSOR	SPONSOR'S NAME (Last, first, middle)	SPONSOR'S ID NUMBER (SSN or Other)
PATIENT'S IDENTIFICATION (For typed or other); Sex; D	L written entries, give: Name – last, first, middle; ID no. (SS ate of Birth; Rank/Grade)	N or REGISTER NO. WARD NO.

#### CONSULTATION SHEET

Medical Record

STANDARD FORM 513 (REV. 4-98)
Prescribed by GSA/ICMR FPMR (41 CFR) 101-11.203(b)(10)
USAPA V1.00

### Glossary

ADCO	Alcohol and Drug Control Officer
	Doctor of Osteopathy
	Department of Defense
	U.S. Army Medical Command
	Medical Review Officer
	Military Treatment Facility
	Standard Form

The proponent of this publication is the Office of the Assistant Chief of Staff for Health Policy and Services. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander, U.S. Army Medical Command, ATTN: MCHO-CL-H, 2050 Worth Road, Fort Sam Houston, TX 78234-6010.

#### FOR THE COMMANDER:



JOSEPH G. WEBB, JR. Major General Chief of Staff

CHARLES C. HUME Colonel, MS Assistant Chief of Staff for Information Management

#### **DISTRIBUTION:**

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