

WESTVILLE FIRE DISTRICT NO. 1
23 W. OLIVE STREET, WESTVILLE, NEW JERSEY 08093

TESTING GUIDELINES

POLICY# S & T 2.2 (Part VI)

DATE ADOPTED 11/13/01

DATE REVISED

PART SIX: REPORTING AND REVIEW OF RESULTS

- (a)(1) **Medical review officer shall review confirmed positive results-** An essential part of the drug-testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a Westville Fire District regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the Medical Review Officer (MRO) prior to the transmission of the results to employer administrative officials. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.
- (a)(2) The duties of the MRO with respect to negative results are purely administrative.
- (b)(1) **Medical review officer- qualifications and responsibilities-** The MRO shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of Westville Fire District or a private physician retained for this purpose.
- (b)(2) [Removed and Reserved]
- (b)(3) The role of the MRO is to review and interpret positive test results obtained through the employer's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test results. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or proceeded in accordance with this part.
- (c)(1) **Positive test result-**Prior to making a final decision to verify a positive test result for an individual, the MRO shall Give the individual an opportunity to discuss the test results with him or her.
- (c)(2) The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may take the initial contact, and a medically licensed or certified staff person may gather information from the employee. Except as provided in paragraph I (c) of this section, the MRO shall talk directly with the employee before verifying a test as positive.

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- (c)(3) If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact a designated Fire District official who shall direct the individual to contact the MRO as soon as possible. If it becomes necessary to reach the individual through the designated Fire District official, the designated Fire District official shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact the MRO is held in confidence.
- (c)(4) If, after making all reasonable efforts, the designated Fire District official is unable to contact the employee, the Employer may place the employee on temporary medically unqualified status or medical leave.
- (c)(5) The MRO may verify a test as positive without having communicated directly with the employee about the tests in three circumstances;
- (c)(5)(i) The employee expressly declines the opportunity to discuss the test;
- (c)(5)(ii) Neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within 14 days of the date on which the MRO receives the confirmed positive test result from the laboratory;
- (c)(5)(iii) The designated employer representative has successfully made and documented a contact with the employee and instructed the employee to contact MRO (see paragraph (c)(5)(ii) or (iii) of this section, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from being contacted by the MRO or designated employer representative (paragraph (c) (5)(ii) of this section) or from contacting the MRO (paragraph (c)(5)(iii) of this section) within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.
- (c)(6) If a test is verified positive under the circumstances specified in paragraph (c)(5)(ii) or (iii) of this section the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from being contacted by the MRO or designated employer representative (paragraph (c) (5) (ii) of this section) or from contacting the MRO (paragraph (c) (5)(iii) of this section) within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the the test to be negative.
- (c)(7) Following verification of a positive test result, the MRO shall, as provided in the employer's policy, refer the case to the employer's employee assistance or rehabilitation program, if applicable, to the fire district official empowered to recommend or take administrative action (or the official's designated Agent), or both.
- (d) **Verification for opiates; review for prescription medication-** Before the MRO verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence that there is clinical evidence in addition to the urine test of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). (This requirement does not apply if the employer's GUMS confirmation testing for opiates confirms the presence Of 6 monoacetylmorphine.)

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- (e) In a situation in which the employer has used the single sample method of collection, the MRO shall notify each Employee who has a confirmed positive test that the employee has 72 hours in which to request a reanalysis of the original specimen, if the test is verified positive. If requested to do so by the employee within 72 hours of the Employee's having been informed of a verified positive test, the Medical Review Officer shall direct, in writing, a reanalysis of the of the original sample. The MRO may also direct, in writing, such a reanalysis, and such a reanalysis may take place only at laboratories certified by DHHS. If the reanalysis fails to reconfirm the presence of the drug metabolite, the MRO shall cancel the test and report the cancellation and the reasons for it to the Westville Fire District, the employer and the employee.
- (f)(1) In situation in which the employer uses the split sample method of collection, the MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the test is verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. If the analysis of the split specimen fails to confirm the presence of the drug(s) metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report cancellation and the reason for its to the Westville Fire District, the employer and the employee.
- (f)(2) If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolite(s), the MRO shall notify the employer and the employee of the results of the test.
- (g) If the employee has not contacted the MRO within 72 hours, as provided in paragraphs (e) and (t) of this section, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed.
- (h) When the employer uses the split sample method of collection, the employee is not authorized to request a Reanalysis of the primary specimen as provided in paragraph (e) of this section.
- (i) **Disclosure of information**-Except as provided in this paragraph, the MRO shall not disclose to any third party Medical information provided by the individual in this paragraph, and the MRO shall not disclose to any third party Medical information provided by the individual to the MRO as a part of the testing verification process.
 - (i)(1) The MRO may disclose such information to the employer, the Westville Fire District, or a physician responsible For determining the medical qualification of the employee under an applicable Westville Fire District regulation, As applicable, only if:
 - (i)(1)(i) An applicable Westville Fire District regulation permits or requires such disclosure;
 - (i)(1)(ii) In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable Westville Fire District rule; or
 - (i)(1)(iii) In the MRO's reasonable medical judgment, in a situation in which there is no Westville Fire District Rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety sensitive function could pose a significant safety risk.

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- (i)(2) Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this paragraph and the identity of any parties to whom information may be disclosed.