

## Verifications

January 19, 2010

Robert L. Stephenson II, M.P.H.  
Director, Division of Workplace Programs (DWP)  
Center for Substance Abuse Prevention (CSAP)  
1 Choke Cherry Road, Room 2-1035  
Rockville, MD 20857

Mr. Stephenson:

We thank the Department for allowing us to comment on the new Federal CCF that will be in use May 1, 2010. Mr. Ellis is the Executive Vice President of Substance Abuse Services and Dr. Ferguson is the Chief MRO of Verifications, Inc. a nationally known Third Party Administrator of Federal and non-Federal drug free workplace programs. Verifications Inc currently has approximately 8000 active customers with over 4000 DOT lab accounts. In addition to their current positions, Mr. Ellis was a former senior policy advisor in the Office of Drug and Alcohol Policy and Compliance, and has over 32 years experience in the substance abuse testing industry. Dr. Ferguson is the Director of National MRO Training Program, a Director of the Medical Review Officer Certification Council and is the author of the MRO Team Manual. We feel we are well qualified to offer comments on the new Federal CCF.

We believe the new requirement to document the Federal testing authority in Step 1(D) of the new CCF may present a significant impact to the industry that the creators of this document did not anticipate. Currently there is no requirement for documentation of the testing authority for each and every specimen collection, and the differences between the agency requirements for MRO and TPA handling of these cases are minimal and well understood by most service agents. The apparent reason for this new documentation requirement is not because of a current problem, but more related to requirements that may come about at some future time.

MRO handling of specific testing authority requirements is and will continue to be defined not by what is on the CCF but by what is discovered by the MRO during the MRO interview with the donor. For example: When asked his/her employer's name, an employee of a railroad will be listed as FRA by a collection site when, in fact, they are performing regulated duties as CDL holder (and therefore should be tested under FMCSA authority).

Already, Verifications has been requested by one of the certified laboratories from which we receive results to complete a spreadsheet containing over 800 DOT account numbers with the specific testing authority for each. To complete this document Verifications Inc will have to query each client relative to their specific lab account numbers. This will take days, multiple staff members and in so doing will incur significant un-reimbursable costs by Verifications. Employers may also be testing

employees covered by multiple testing authorities in one laboratory account. The requirement to choose one testing authority will pose a difficult administrative burden on these employers and will undoubtedly increase the number of requests for clarification presented by employers to the Department and to DOT. Although we appreciate that the laboratories may be required by HHS and DOT to capture this information, we see no return on this investment in time, money and human effort in an industry already stressed by the current economic downturn.

Since the placement of the testing authoritative requirement on the CCF is likely to occur, we suggest the strongest emphasis by the Department that laboratory testing and MRO review of these results proceed without regard to whether or not Step 1 (D) is completed on the CCF. This is already the stated position of the Department, but it has apparently been missed by some. We further suggest the statement continue by saying that documentation of the testing authority information is the employer's responsibility not that of the laboratory or the MRO and that enforcement will occur gradually over time until the information is really needed.

Thank you for allowing us the opportunity to make this comment.

Sincerely,

George M. Ellis  
Executive Vice President, Substance Abuse Services/Occupational Health Services

James L. Ferguson, D.O., FASAM  
Chief Medical Review Officer