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NEWSLETTER

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REPORTING NEGATIVE RESULTS - PROCEDURAL CHANGE

As you know sometimes FAA Drug Abatement Division inspectors interpret the regulations differently. We recently had two inspectors that questioned our long standing reporting of "negative" results under 49CFR40.127(e) that reads "*Place your name*" [and then a comma], *and sign, date or stamp*" We have always used a stamp that includes the name of the MRO and "negative", as well as the date. This procedure has never been questioned. We even had a full inspection of our company by three (3) inspectors for one week in 2014 and this issue never came up.

We presented this procedure to the FAA headquarters in Washington DC to confirm the intent of reporting negative drug testing. Due to "their" interpretation, we have now added a MRO signature stamp along with the printed MRO name. Also, they suggested, as a "best practice" to include the initials of the person reporting the "negative" result. Effective October 10, you will notice these extra markings on the negative test results being reported to you. This is an internal procedural change only, which does not affect you, only our company's vigilance to report "negative" results to you in an accurate, efficient and timely manner.

PREPARING FOR A FAA INSPECTION

Flightline Drug Testing provides a special service for a small fee that very few administrators in the country provide. We assist you from the start of the inspection process when you are first notified of an inspection. We help you prepare the inspection form sent to you and then assist with preparing you for the FAA inspection. And, should you receive a letter of "findings" from the FAA, we will assist you in preparing the letter. The proof is in some of the letters we receive after inspections. Here is a small sample.

- Thanks so much for your help. No violations or any discrepancies. Have a great day" Lynda
- > "They are finishing up the paperwork. Said we have no compliance issues. Thanks for all your help in getting prepared" Ryan
- "I just wanted to let you know that we came away from our inspection with No findings, not one! No letter for us. I just wanted to thank you for your help. I appreciate everything you do for us." Cheryl
- > "Just wanted to inform you that the inspection went extremely well, they were impressed and there were no findings. Everything you mentioned to us was brought up during the briefing. Thank you again for putting together such a well respected and organized program and for the guidance you offer us." Tirso
- > "Just a note to let you know that, thanks to your invaluable help, our FAA inspection went really well. It was very much as you said it would be and they were happy to see everything in perfect order." Franklin

RANDOM TESTING

How do you, as a drug manager, ensure that drug testing is consistently provided to ALL employees in a fair manner. One answer is ensuring confidentiality of the drug testing process, which includes coordination with the testing center or on-site collector, to ensure that others in the company do not know the exact timing or who is selected. Some companies ensure that employees are escorted to the testing center so that the process is monitored and there can be nothing to interfere with the testing, such as taking a product that might change the outcome of the testing results. The regulations state "when notified, the employee must proceed to the testing center. [On one occasion, an employee left a supervisor's vehicle and was never heard from again, while they were stopped at a railroad crossing].

SOME INTERESTING STATISTICS

Statistics from the National Institute of Drug Abuse published in the press are impressive.

- Addiction of all types (i.e., substance and/or behavioral addiction) has an estimated annual expense of \$524 billion with \$181 billion related to drug abuse.
- ➤ The U.S. government estimates that there are 20 million alcoholics and drug addicts in the nation and most of them never get treatment.
- Those who do get treatment have an average relapse 15 times! (Makes you wonder about susceptibility to therapy, doesn't it?).
- > In Florida 65% of participants in drug rehab and addiction treatment programs are men.
- ➤ Nearly 75% are Caucasian.

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SUBSTANCE ABUSE PROFESSIONALS

The FAA inspection teams concentrate heavily on the Substance Abuse Professional [SAP] and post-rehabilitation processes when and if you have been involved in this process. It might be wise to review some basics.

First, when a covered employee is referred to the SAP, it is the responsibility of the SAP to communicate with the employer (DER) and for the DER to assure compliance with the SAP recommendations. This is not to say that Flightline Drug Testing and the MRO will not assist in the Return to Duty and Follow-Up testing. We stay in the loop and administer the tests. It is tightly coordinated effort between the SAP, DER and Flightline.

Second and most important: even though it is the SAP who prescribes and certifies completion of the rehabilitation process, only the employer can make the decision to return the employee to work. Therefore, the DER should be thoroughly familiar with the requirements of 49CFR40 Subpart "O".

ADEQUACY OF THE "NIDA 5"

When the DOT program began it was reasonable to limit the drug testing to the so called "NIDA 5": amphetamines, cocaine, opiates, marijuana and PCP. For over 20 years since the panel was approved, it has only been expanded once. Several years ago, MDMA (Ecstasy) was added, which took over six (6) years of study and debate. Is this panel sufficiently pertinent? The profusion and variety of other "designer drugs" is awesome and new products come out frequently. Besides, a lot of drug abuse involves the perversion of legitimate prescription drugs with equivalent reduction of performance. Yet, we are still constrained by regulation to limit our testing to the "NIDA 5 + MDMA". Undoubtedly, this will change again but, unfortunately, at the glacial pace that characterizes such changes.