

Office of Drug Enforcement and Program Compliance
49 CFR Part 40 Interpretation

Question: On the testing of a split specimen, is it necessary to maintain anonymity of a person, at the laboratory level, when both the primary laboratory and the laboratory testing the split may have fees and could directly bill the employee?

Answer: Section 40.23(a) addresses mandatory use of the Federal Drug Testing Custody and Control Form in DOT urine collection and testing. This paragraph states, in part, that *"...personal identifying information on the donor (other than the social security number or other employee ID number) may not be provided to the laboratory."* If circumstances arise in which the Medical Review Officer orders a test of the split specimen, at the request of the employee, no additional identifying information on the employee may be provided to the laboratory that will be testing the split specimen. As directed by section 40.33(f), *"...the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis."* This request would reference only items contained on the face of the Drug Testing Custody and Control Form (e.g. Specimen Identification No., SSN or Employee ID No., Collection Date, etc.); the MRO would not specify the employee's name. Should a personal check (bearing the employee's name) accompany the request (e.g., a letter from the MRO), the MRO should not make any particular reference linking the split request with the person signing the check. In actuality, the primary laboratory will most likely bill the employer for the cost of sending the split specimen to the split laboratory; the split laboratory will normally require a Cashier's check, money order, or an account to be set up (generally by the employer) prior to initiating processing.

