



A Quick Guide
on How to Select a
**Drug & Alcohol
Screening Provider**

Introduction/Overview

No two companies are alike and similarly, no two company's drug testing programs are likely to be the same.

A drug test involves various stages leading up to final result and there are professional providers for each phase of the drug testing process. These providers include:

- Device manufacturers
- Specimen collectors (for urine, oral fluid, and hair),
- Laboratories (for analysis of the collected specimen),
- Medical Review Officers (MROs) (licensed medical professionals who verify test results),
- Substance Abuse Professionals (SAPs) who evaluate employees who have violated a DOT drug and alcohol program regulation and make recommendations concerning education, treatment, follow-up testing, and aftercare, and
- Third-Party Administrators (TPAs) who manage the entire testing process, representing their clients with the other professionals involved in the testing process. In addition to outsourcing the above services, many TPAs offer their own internal collection services and sometimes even MRO services.

In order to select a drug testing provider who can meet your company's needs, it is critical to first outline why your company drug tests and how you will define a successful program. Although this may seem simple, to be the most effective it should involve all stakeholders in the evaluation and understanding of your program's desired outcomes. Typical stakeholders in an organization can include the business owner or a designated representative, an HR manager, a safety coordinator, someone from the medical department if applicable, and anyone else with responsibility for employee performance, safety and health.

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Building a house relies on a good architect, a great contractor and excellent communication with the owner. Selecting the wrong vendors can be both expensive and frustrating. Likewise, a great substance abuse testing program takes great design, implementation and ongoing support. Understanding and translating your program design is key to building a successful partnership and selecting the right partner. -Nina French, Current Consulting Group

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Why Drug Test?

During the internal evaluation process, consider why drug testing is important in the first place. Drug abuse remains a serious problem in the United States and there are reports that indicate that abuse levels are climbing since the advent of legal marijuana laws and the continued opioid epidemic. Nonetheless, employers are still responsible to ensure that their workplaces are safe and drug-free.

To ignore this responsibility can result in devastating and costly consequences. For example:

- Negligent hiring lawsuits are increasing. Employers lose **79%** of these cases and the average settlement of such lawsuits is about **\$1 million**.¹ Negligent hiring is based on the principal that employers have an obligation to protect their employees and clients from injury caused by their employees. Properly screening job candidates and employees for drugs is a large part of how a company can demonstrate that it makes a good-faith effort to meet that obligation.
- The average compensation received by workers for their injuries is **\$21,800**. While 8% of workers receive between **\$60,000** and **\$100,000**, the majority of workers (55%) receive between **\$2,000** and **\$20,000**.²
- An estimated **\$74 billion** is lost every year in reduced work productivity due to alcohol consumption, from absences, reduced output, premature retirement or death, or reduced earning potential.³ Small- and medium-sized businesses are less likely to have programs to combat alcohol use and are more likely than larger businesses to employ workers who struggle with alcohol use.⁴
- Per one case study, JBS Carriers Inc., a national trucking firm, paid a **\$250,000 fine** to settle a pre-employment screening disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission.⁵ The fine does not include legal fees.

The increasing and deadly abuse of legal substances known as opioids is well documented, with an estimated 33% of workers reported taking prescription painkillers. If one assumes that a work month constitutes 20 days, pain relieve use is associated with the loss of 1.3% of the monthly labor capacity of 1,000 workers. 96% of these losses were accounted for by the non-problematic use of pain relievers.

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Why Are You Drug Testing?

Drug abuse knows no boundaries; the workplace has never been immune from the negative impact of alcohol and illicit drug abuse and misuse. As such, and even in an era of legal marijuana laws, drug testing is the proverbial “no brainer.” But to effectively implement and maintain a comprehensive and legally defensible program, employers need help from professional drug testing providers.

Typically, employers fall into one of two general categories when it comes to drug testing:

1. Those who are mandated by state or federal government requirements to conduct drug testing; and,
2. Those that drug test by company choice.

In some cases, companies fall into both camps, but regardless, a company’s initial motivation to conduct drug testing will determine how they test and what type of provider best meets their needs.

For example, if your company conducts drug testing to comply with federal government regulations (e.g., the U.S. Department of Transportation or DOT), you will need a provider that offers robust compliance support. The federal government audits employers to ensure compliance, and a provider that provides compliance support can help you avoid costly penalties for non-compliance.

If your company participates in a state’s voluntary drug testing program that offers a discount on your workers’ compensation premiums, you will need a provider that specializes in compliance with applicable voluntary laws so you qualify for the desired discount.

A company with safety concerns will want to identify drug users as they apply through pre-employment testing and include a comprehensive post-hire testing and education program to deter use on the job. There are providers who can help you maintain a

program designed to focus on preventing substance abuse-related on-the-job accidents and measure your progress toward achieving company safety goals.

Other common reasons for drug testing include controlling or reducing costs related to workers' compensation insurance, health care premiums, and legal liability, as well as productivity, absenteeism, and employee theft.

Your Priorities vs. Providers' Strengths?

When it comes to the actual drug testing, providers have their strengths, and, depending on your company's priorities, a specific provider will typically rise above the others as you make a choice. For instance, an employer looking to keep costs down will want to find a provider with flexible ways to provide collection, testing, and results reporting and maintenance. For other companies, the priority is speed, meaning getting results as fast as possible, so they can make on-the-spot hiring or disciplinary decisions. These companies will look for a provider with point-of-collection testing (POCT) services. Others may need international support or coverage 24/7/365, which not all providers can offer.

As you prepare to interview potential providers, rank and weigh your priorities ahead of time. It may be helpful to assign a point value (weight) to each ranked item so you can objectively "rank" competing providers.

Your needs are likely to be a combination of several competing priorities, some more important than others. It is critical that when evaluating a potential provider, you honestly present what features, services, and benefits are most important to you. It is also imperative that all stakeholders are consulted as the priorities of one group may be far different than those of another. As providers explain how they propose to meet your company's needs, you can evaluate the pros and cons of what they have to offer.

Ask them to explain how they will meet each of your highest priority needs. Also ask for a list of their clients with similar priorities and needs so you can contact them directly. Remember, most providers will claim they can meet your needs, but the best proof is a list of satisfied clients.



Not all providers offer rapid results or oral fluid testing.

Where and How You Do Business

Where and how you do business must also be considered when selecting a provider.

Let's say, for instance, that you maintain business operations in remote locations without easy access to collection services. In this case, because collection sites will likely be harder to find and the costs prohibitive, you may need to consider a testing method that eliminates the need for professional collection services, such as rapid urine or lab-based oral fluid testing.

Again, before finalizing an agreement with a provider you must confirm that they not only provide the services you need but have the means to support those services on a day-to-day basis. Not all providers offer rapid results or oral fluid testing, for example.

Additionally, state laws vary throughout the country and a provider must know the laws in each state and work to help keep your program compliant. This is especially important if you are considering utilizing alternative testing methods, as some states place very detailed restrictions on their use or prohibit them all together.

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Third-Party Administrators (TPAs)

All TPAs, though providing the same services, are different. For example, a TPA may work with the same laboratory as another TPA but have a completely different relationship with that lab that affects the type of pricing they can offer you. Choosing the right TPA can be a somewhat complicated process; hence, the importance of having a thoughtful selection process involving all the key stakeholders in your company. An evaluation of your needs, ranked by level of importance, is where the vendor selection process needs to begin. Only after that is completed can an employer evaluate the provider accurately according to specific needs.

For instance, smaller TPAs may provide excellent client service with customized support for each of their clients, no matter what size. The downside may be their inability to provide a robust platform with integrations into a Human Resource Information System (HRIS) and online scheduling.

A large background screening firm that also provides traditional drug testing TPA services may have great technology but lack the level of customer support many smaller TPAs specialize in providing.

Some of the key factors to consider when interviewing and evaluating TPAs include:

- **Industry experience:** How many years has a TPA been in business? Where do they provide services? Can they handle a multi-state client? What laboratories and other service providers do they contract with on behalf of clients, etc.
- **MRO:** Do they contract with an outside provider of MRO services or do they have a full- or part-time MRO on staff?
- **SAP:** Can they provide you with accurate and up-to-date SAP referral services for all of your company locations.
- **Drug testing expertise:** Do they specialize in a certain type of drug testing such as lab-based urinalysis, or can they provide alternative testing methods such as hair or oral fluid testing, rapid result devices, and on-site collections?
- **Locations and hours:** Does the TPA only offer collections at one location or do they have multiple locations for collection services? Can they send professional technicians to your business location? What after-hour and weekend services can they provide?
- **Customizable solutions:** Does the TPA have the experience and internal expertise to offer a package of services to meet your diverse drug testing needs? Can they combine

testing methodologies or include other screening services to streamline the process and control costs?

- **Legal compliance:** How does a TPA stay current on all applicable state laws and government regulations to ensure your program remains compliant throughout the year? How will they communicate changes in applicable laws to you?
- **Communications processes for results:** What results reporting technology does a TPA employ? Do they offer a variety of communications services to meet your specific needs? How do they manage and maintain results in order to meet legal requirements?
- **Security, data protection and privacy process:** This is a very complicated and critical part of a company's relationship with a TPA; be very specific when discussing this topic and ask for a demonstration so you can see how they manage and protect results in relation to applicable legal privacy requirements.
- **Emerging issues and technologies:** How does a TPA stay current on new and emerging technologies in drug testing? What new testing methods are they investigating and considering offering? What recommendations do they have for your company in relation to your specific needs?
- **Policy:** Does a TPA offer help in writing a drug testing policy? It is not uncommon for a TPA to outsource policy development, which is typically a good thing as there are consulting firms that specialize in these services and can usually provide a third-party perspective that is valuable to a company. The ability for the provider to create, support and update your policy is something that can prove valuable even to organizations with in-house legal support.
- **Legal marijuana:** How does a TPA stay current on new and potential legal marijuana laws and how does the TPA help its clients remain compliant with such laws? What is a TPA's advice in dealing with marijuana use in states where it is legal to smoke weed? Does their advice align with your company's culture and drug-free workplace goals?
- **Training support:** Can they provide supervisor and employee training services? Training is required by the DOT and by many state laws. As well, training is a key part of a successful program for many employers and is considered best practice.

If your company has international drug testing needs be aware that not all TPAs have the capabilities to provide services outside the United States. International considerations include country-specific laws (and GDPR/European Union regulations), local culture, availability of collection services, exporting specimens, and privacy laws relative to receiving drug test result information. If your firm is headquartered in the U.S., it is important to understand that drug screening outside the U.S. is not as prevalent nor accepted as it is in the U.S. In many countries there can be substantial cultural and legal barriers.

Usually only large TPAs can meet international needs. However, even at that, many services will be outsourced to local providers in those countries. Therefore, you must know with whom you're doing business to ensure your program specifications are being met to your specifications and are compliant with applicable laws and regulations.

There is no federal government certification for TPAs. However, many TPAs belong to one or more industry association that offers various types of certifications based on training requirements established by those associations. The two primary drug testing industry associations are the Substance Abuse Program Administrators Association (SAPAA) and the Drug and Alcohol Testing Industry Association (DATIA). There are also independent consulting services that offer TPAs a wider range of training programs and that can be customized to a client's specific policy and drug testing program.

A Word About Laboratories, MROs, and Collectors

On a day-to-day basis your company may not often deal directly with a laboratory. In part, what you're paying a TPA to do is to ensure that the laboratory is meeting your needs and complying with all legal requirements on your behalf. The TPA will typically manage most lab-communication issues and address any problems. That said, it is important that you understand that not all laboratories are licensed or certified to conduct workplace drug testing. Also, many states have very specific requirements regarding the type of laboratory an employer can utilize.

Unless state laws require otherwise, insist on using a laboratory certified by the Substance Abuse and



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Mental Health Services Administration (SAMHSA). Only a lab certified by SAMHSA can be used for federal government mandated drug testing. Additionally, many state drug testing laws only permit the use of SAMHSA certified labs.

The other common legitimate lab certification comes from the College of American Pathologists, or CAP. Many SAMHSA-certified laboratories are also CAP-certified and vice-versa.

Collections: SAMHSA requires collectors to be trained and certified for all government-mandated drug testing and many states also require the same or a similar certification. Many collection sites employ staff who meet these requirements but as they say in real estate, location, location, location. Your TPA may manage the location, ordering of services, and payment of the collection sites for you, but the services and network vary widely. Your company may require 24/7/365 collections for drug and alcohol, or, you may need occupational health services and fitness-for-duty exams at hire. Whatever your needs, how, when, where, and what collection services your company needs for a successful program is an important consideration when selecting your vendors.

MROs: MROs are required to review and verify all drug testing results for federal government-mandated testing. Many state laws also specifically require the involvement of MROs for workplace drug testing. MROs must be licensed physicians, trained and certified to verify test results. The use of an MRO is a smart business decision and a service that all TPAs worth your consideration will not only offer but insist upon providing. Before selecting an MRO, make certain that they are properly certified and discuss how they stay current with and inform you of updated laws and regulations. Also, learn if the MRO receives and maintains a copy of your company policy and is able to customize their support model to meet your company's policy requirements.

Conclusion and Summary

The good news when it comes to choosing a drug testing provider is there are many good and competent providers located throughout the country. Depending on the size of your company and the number of states in which you conduct business, a small, regional provider may be enough to meet your needs. If your company is large and located in many states, a larger regional or nationwide provider will be needed.

Of course, there are some providers that lack the capabilities and expertise to meet your specific needs and should not be considered. But if you follow the guidelines provided in this guide and insist on only using a provider with experience, a proven track record of servicing companies with your same needs, and who meet all the state and federal legal requirements, you will find that your options are plentiful.

¹ Ridgeway, Mark. "Protecting Your Business From Negligent Hiring Claims." CourtHouse Concepts, 21 Oct. 2018, <https://www.courthouseconcepts.net/negligent%20hiring%20claims>.

² "Workers' Compensation Settlements and Awards: How Much Will I Get?" Lawyers.com, <https://www.lawyers.com/legal-info/workers-compensation/workers-compensation-settlements-awards/workers-compensation-settlements-and-awards-how-much-will-i-get-for-my-injury-or-illness.html>. Accessed 14 August 2019.

³ Bouchery, Ellen E, MS, Henrick, J. Harwood, Sacks, Jeffrey J, MD, MPH, Simon, Carol J., PhD, Brewer, Robert D., MD, MSPH. "Economic Costs of Excessive Alcohol Consumption in the U.S., 2006." American Journal of Preventive Medicine, November 2011, <https://www.ajpmonline.org/article/S0749-3797%2811%2900538-1/abstract>. Accessed 14 August 2019.

⁴ "Implications of Drug and Alcohol Use for Employers." National Safety Council, <https://www.nsc.org/work-safety/safety-topics/drugs-at-work/substances>. Accessed 14 August 2019.

⁵ Greenwald, Judy. "Trucking firm settles EEOC suit over preemployment screenings." Business Insurance, 05 April 2019, <https://www.businessinsurance.com/article/20190405/NEWS06/912327728/Trucking-firm-settles-EEOC-suit-over-preemployment-screenings>. Accessed 14 August 2019.

⁶ "33% of US Workforce Use Prescription Pain Medications per Integrated Benefits Institute Opioid & Pain Management Study." Integrated Benefits Institute, 18 April 2019, <https://www.ibiweb.org/opioid-pain-management-study/>. Accessed 14 August 2019.

⁷ O'Brien, Michael J. "How Widespread Is Pain-Med Usage in the Workplace?" Human Resource Executive, 18 April 2019, <http://hrxexecutive.com/how-widespread-is-pain-med-usage-in-the-workplace/>. Accessed 14 August 2019.

Appendix:

Other relevant content:

- **Current Consulting Group Employer Drug Testing Survey**

Current Consulting Group's (CCGs) third annual Employer Survey polled employers across thirty-five different industries, providing insights into substance abuse testing. Survey questions spanned from testing methodologies to current industry issues such as marijuana legalization and the opioid epidemic.

- **Quest Diagnostic's Drug Testing Index**

The Quest Diagnostics Drug Testing Index (DTI) is a series of reports that provide insights into trends in workforce drug use, based on positivity results for de-identified laboratory testing performed by Quest Diagnostics for a range of illicit, legal, and prescription drugs. It examines tests results according to three categories of workers: federally mandated, safety-sensitive workers; the general workforce; and the combined U.S. workforce. Quest Diagnostics has analyzed annual workplace drug testing data since 1988.

- **DISA's Drug Abuse Cost Calculator**

DISA's Drug Test Calculator uses the historical 12-24 months of drug test data in safety sensitive industries (oil & gas, chemical, industrial) to forecast the positivity rates for a company as they begin drug testing. As more and more companies are also doing background checks in their employee screening, we also include background check data for the same time frame.

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