“Out of the Ordinary” Urine Drug Screen Collections

Sometimes during a drug screen collection it is necessary for a collector to call the company Designated Employer Representative (DER) to notify them of an “out of the ordinary” situation in a urine drug screen collection. After receiving the call from the collector, the DER (not knowing the Department of Transportation rules) will wrongfully advise the employee and/or applicant to leave the collection site and report back at a later date and time for another attempt to provide a urine specimen. This is not acceptable.

When a donor cannot provide enough of a specimen, if specimen shows signs of tampering, if the donor provides a specimen without a temperature within range, or if the donor cannot provide a specimen at all, the collector may make several attempts to receive an acceptable specimen from the donor and it may be observed. The donor may be detained up to three (3) hours by the collector. At the end of three hours and if the donor did not provide a specimen this would be considered a “Shy Bladder”. At this point the collector must notify the DER and the DER must refer the donor to a physician for a medical evaluation. The evaluation must be performed within 5 business days, and then reviewed by the Medical Review Officer. The Medical Review Office will determine if there is a legitimate permanent medical reason for the “Shy Bladder” or if it is a “Refusal to Test”.

However, if the donor refuses to provide a second specimen or leaves the collection site before the collection process is complete, this is also considered a “Refusal to Test”. At this point, the donor should be informed of the consequences of his/her actions by the collector and the DER must also be notified. Note that this applies to pre-employment collections also. I have copied the section of the regulations (CFR 49 Part 40) which apply for your review or future reference:

§40.65 What does the collector check for when the employee presents a specimen? As a collector, you must check the following when the employee gives the collection container to you:

(a) Sufficiency of specimen. You must check to ensure that the specimen contains at least 45 mL of urine.

(a)(1) If it does not, you must follow "shy bladder" procedures (see §40.193(b)).

(a)(2) When you follow "shy bladder" procedures, you must discard the original specimen, unless another problem (i.e., temperature out of range, signs of tampering) also exists.

(a)(3) You are never permitted to combine urine collected from separate voids to create a specimen.

(a)(4) You must discard any excess urine.

(b) Temperature. You must check the temperature of the specimen no later than four minutes after the employee has given you the specimen.

(b)(1) The acceptable temperature range is 32-38 deg.C/90-100 deg.F.

(b)(2) You must determine the temperature of the specimen by reading the temperature strip attached to the collection container.

(b)(3) If the specimen temperature is within the acceptable range, you must mark the "Yes" box on the CCF (Step 2).
(b)(4) If the specimen temperature is outside the acceptable range, you must mark the "No" box and enter in the "Remarks" line (Step 2) your findings about the temperature.

(b)(5) If the specimen temperature is outside the acceptable range, you must immediately conduct a new collection using direct observation procedures (see §40.67).

(b)(6) In a case where a specimen is collected under direct observation because of the temperature being out of range, you must process both the original specimen and the specimen collected using direct observation and send the two sets of specimens to the laboratory. This is true even in a case in which the original specimen has insufficient volume but the temperature is out of range. You must also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.

(b)(7) In a case where the employee refuses to provide another specimen (see §40.191(a)(3)) or refuses to provide another specimen under direct observation (see §40.191(a)(4)), you must notify the DER. As soon as you have notified the DER, you must discard any specimen the employee has provided previously during the collection procedure.

(c) Signs of tampering. You must inspect the specimen for unusual color, presence of foreign objects or material, or other signs of tampering (e.g., if you notice any unusual odor).

(c)(1) If it is apparent from this inspection that the employee has tampered with the specimen (e.g., blue dye in the specimen, excessive foaming when shaken, smell of bleach), you must immediately conduct a new collection using direct observation procedures (see §40.67).

(c)(2) In a case where a specimen is collected under direct observation because of showing signs of tampering, you must process both the original specimen and the specimen collected using direct observation and send the two sets of specimens to the laboratory. This is true even in a case in which the original specimen has insufficient volume but it shows signs of tampering. You must also, as soon as possible, inform the DER and collection site supervisor that a collection took place under direct observation and the reason for doing so.

(c)(3) In a case where the employee refuses to provide a specimen under direct observation (see §40.191(a)(4)), you must discard any specimen the employee provided previously during the collection procedure. Then you must notify the DER as soon as practicable.

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