

BEST PRACTICES FOR ALL DRUG TESTING PROGRAMS

The importance of an independent Medical Review Officer (MRO) provider.



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The Role of the Medical Review Officer

A Medical Review Officer (MRO) is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

As a MRO, you act as an independent and impartial “gatekeeper” and advocate for the accuracy and integrity of the drug testing process. You provide quality assurance review of the drug testing process for the specimens under your purview, determine if there is a legitimate medical explanation for laboratory confirmed positive, adulterated, substituted and invalid drug test results, ensure the timely flow of test result and other information to employers and protect the confidentiality of the drug testing information.

Federal workplace guidelines have been modeled as best practice and widely considered the legal safe harbor for non-DOT testing programs for over 30 years. Foundational to these programs are the use of a SAMHSA-certified laboratory, a Certified MRO, and an adherence to using independent parties that ensure proper check and balance across the testing process.

SAMHSA.gov

The MRO serves as the common point of contact between all participants in a drug test (i.e., the donor, the collector, the test facility, and the federal agency’s designated representative). The MRO may be an employee or a contractor for a federal agency; however, the following restrictions apply:

- The MRO must not be an employee or agent of, or have any financial interest in, an HHS-certified laboratory or IITF for which the MRO is reviewing drug test results; and
- The MRO must not derive any financial benefit by having an agency use a specific test facility or have any agreement with an HHS-certified laboratory or IITF that may be construed as a potential conflict of interest.
- The purpose of these prohibitions is to prevent any arrangement between an IITF or a laboratory and an MRO that could possibly influence the MRO and prevent the reporting of a problem identified with the test results or testing procedures.

Cynergy is an independently owned and operated MRO physician practice. We encourage all customers to carefully consider the importance of objectivity when selecting an MRO provider, and we look forward to serving you!



§ 40.101 What relationship may a laboratory have with an MRO?

(a) As a laboratory, you may not enter into any relationship with an MRO that creates a conflict of interest or the appearance of a conflict of interest with the MRO’s responsibilities for the employer*. You may not derive any financial benefit by having an employer use a specific MRO.

(b) The following are examples of relationships between laboratories and MROs that the Department regards as creating conflicts of interest, or the appearance of such conflicts. This following list of examples is not intended to be exclusive or exhaustive:

1. The laboratory employs an MRO who reviews test results produced by the laboratory;
2. The laboratory has a contract or retainer with the MRO for the review of test results produced by the laboratory;
3. The laboratory designates which MRO the employer is to use, gives the employer a slate of MROs from which to choose, or recommends certain MROs;
4. The laboratory gives the employer a discount or other incentive to use a particular MRO;
5. The laboratory has its place of business co-located with that of an MRO or MRO staff who review test results produced by the laboratory; or
6. The laboratory permits an MRO, or an MRO’s organization, to have a financial interest in the laboratory.

States that stipulate an MRO is required for non-DOT testing:		
•Alabama	•Iowa	•New York
•Alaska	•Louisiana	•Ohio
•Arkansas	•Maryland	•Oregon
•Florida	•Mississippi	•Tennessee
•Hawaii	•Montana	•Vermont
		•Wyoming

How to Avoid Conflicts of Interest

Ensure that your laboratory and your MRO service provider are separately owned, separately operated and independent from each other. Separation of duties between a laboratory and an MRO provider are clearly defined federally, and establish the legal standard by which all workplace drug testing is measured.

ADDITIONAL INFORMATION

*DOT Rule 49 CFR Part 40 Section 40.101
<https://www.transportation.gov/odapc/part40/40-101>

To learn more about Cynergy and our national MRO services, please contact us at **816-822-3611** or email: info@cynergymro.com.