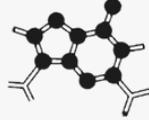


HHS Releases Oral Fluid Guidelines for Federal Workplace Drug Testing Programs

HHS has established guidelines for the inclusion of oral fluid in the Mandatory Guidelines for Federal Workplace Drug Testing Programs.



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BY EASLER EDUCATION INC.

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DrugTestingCourses.com is excited to announce that it will be launching two new courses on the heels of the United States Department of Health and Human Services (HHS) publication of its highly anticipated guidelines regarding oral fluid drug testing.

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The adoption of oral fluid testing, while not a complete solution for all safety and privacy concerns raised in drug testing by both employers and employees, is a major step in the right direction.”

Andrew Easler

The HHS announcement now means that federal executive branch agencies can test for the presence of drug analytes using oral fluid starting as early as January of 2020. The DOT, which oversees the drug and alcohol testing standards for safety-sensitive employees in the transportation sector, is expected to use these guidelines to adopt new rules incorporating oral fluid as a testing mode. The DOT currently allows only urine specimens, and in certain limited circumstances blood, to be tested for possible substance use or abuse.

The new HHS guidelines set forth the official training requirements for oral fluid specimen collectors which

includes, similar to [urine specimen](#) collector training, five error-free “mock” collections in addition to training on the rules and regulations involved in the collection process. The DOT is expected to amend the 49 CFR Part 40 to provide for comparable training requirements for collectors of oral fluid specimens under DOT protocols. DrugTestingCourses.com, which has been offering oral fluid collection training for non-federal testing purposes for more than four years, will be one of the first training companies to offer this training with its “DOT/HHS Oral Fluid Specimen Collector Training” and “DOT/HHS Oral Fluid Specimen Collector Train the Trainer” courses.

Research on oral fluid testing indicates that this mode of testing can detect drugs in the user’s system within one to two hours after ingestion or use and for up to one to two days after ingestion or use. Urine tests detect most drugs within 2 to 6 hours of ingestion or use and up to 30 days after ingestion or use.

The adoption of oral fluid as a federal testing mode has been touted as a boon for employee rights by advocates as its considerably shorter detection window more accurately indicates impairment, rather than the mere presence of the metabolites of illicit substances in the employee’s system. Advocates also tout the considerably less invasive collection process which allows the specimen to always be conducted under direct observation without the need for employees to ever disrobe. Critics of urine testing cite that its ability to detect THC in an employee’s system for up to 30 days is violative of employee privacy rights and against certain state laws which prohibit employers from taking adverse action against employees for legal off-

duty conduct. However, many employers express concern that their ability to screen out chronic users through pre-employment drug tests will be hindered if oral fluid replaces urine in pre-employment testing. A chronic user could, conceivably, hold off from drug use for one to two days, take the drug test, and then continue using while performing a safety-sensitive function. HHS revealed that it will allow each federal agency to decide which of the authorized specimen types it will collect and the reasons for collecting each type of specimen. No agency thus far has made a final determination under which circumstances oral fluid testing would be appropriate.

The full summary of the HHS release is as follows:

The Mandatory Guidelines for Federal Workplace [Drug Testing Programs using Oral Fluid](#) (OFMG) will allow federal executive branch agencies to collect and test an oral fluid specimen as part of their drug testing programs. In addition, some agencies, such as the Department of Transportation, are required to follow the Guidelines in developing drug testing programs for their regulated industries, whereas others, such as the Nuclear Regulatory Commission (NRC), use the Guidelines as part of the regulatory basis for their drug testing programs for their regulated industries. The OFMG establish standards and technical requirements for oral fluid collection devices, initial oral fluid drug test analytes and methods, confirmatory oral fluid drug test analytes and methods, processes for review by a Medical Review Officer (MRO), and requirements for federal agency actions.

The OFMG provide flexibility for federal agency workplace drug testing programs to address testing needs and revise the requirement to collect only a urine specimen, which has existed since the Guidelines were first published in 1988. Since 1988, several products have appeared on the market making it easier for individuals to adulterate their urine specimens. The scientific basis for the use of oral fluid as an alternative specimen for drug testing has now been broadly established and the advances in the use of oral fluid in detecting drugs have made it possible for this alternative specimen to be used in federal programs with the same level of confidence that has been applied to the use of urine. For example, oral fluid collection devices and procedures have been developed that protect against biohazards, maintain the stability of analytes, and provide sufficient oral fluid for testing. Additionally, specimen volume is also much lower, saving time in collection and transport cost. Developments in analytical technologies have provided efficient and cost-effective methods with the analytical sensitivity and accuracy required for testing oral fluid specimens.

Federal agencies, MROs, and regulated industries using the OFMG will continue to adhere to all other federal standards established for workplace drug testing programs. The OFMG provide the same scientific and forensic supportability of drug test results as the Mandatory Guidelines for Federal Workplace Drug Testing Programs using Urine (UrMG).

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