

## **Chiropractic's Role in Occupational Drug Testing Programs**

In recent years healthcare in general, and chiropractic in specific, have been experiencing increasing restrictions imposed by third party payors. This has made it necessary for doctors to look to nontraditional methods to expand and grow their practices. Given the chiropractic profession's longstanding drug-free tradition, it is a natural fit for chiropractors to incorporate occupational drug and alcohol testing into the services they offer.

This is the first in a series of three articles that will explore how chiropractors can incorporate these services into their practices. The first two articles will briefly discuss the rules and regulations pertaining to occupational workplace drug and alcohol testing with special emphasis on employees covered under mandated testing programs by the U.S. Department of Transportation (DOT). The third article will discuss the role of chiropractors in DOT physical examinations for operators of commercial motor vehicles (CMV), the coming changes to the regulations concerning those physical examinations, and the impact those changes will have on chiropractic.

The on-the-job use of illegal drugs is not a new problem. Most drug users are employed. When they arrive at work their drug problems come with them. The Occupational Safety and Health Administration (OSHA) estimates that 74.3% of the 16.7 million drug users in the United States are employed either full or part-time. Furthermore, 10-20% of individuals who die while at work test positive for drug or alcohol use. Those industries with the highest rate of occupational injury also have the highest rate of drug and alcohol abuse.<sup>1</sup>

Drug abuse is found across geographic, social and economic strata with an increasing use in recent years among females.<sup>2</sup> Drug abuse is found in all economic groups and among workers and professionals in rural, urban, and metropolitan areas. The societal costs associated with drug abuse were calculated to have risen 5.9 percent between 1992 and 1998 to \$143.4 billion.<sup>3</sup>

The National Institute on Drug Abuse (NIDA) reports that "employed drug abusers cost their employers about twice as much in medical and worker compensation claims as their drug-free coworkers."<sup>4</sup>

The use of drugs while at work not only increases the risk of injury for the employee and their coworkers, it also results in reduced productivity and lower employee morale among the user's coworkers. For these reasons and others, the widespread use of employee drug abuse has caused many major employers to institute employee drug testing programs. This has provided a new opportunity for chiropractors wishing to expand their practices in the occupational health setting.

The DOT requires all employees in safety-sensitive job positions under its jurisdiction to undergo drug and alcohol testing. Employees in aviation, trucking, railroads, mass transit, pipelines, and other regulated industries are required to participate in these

programs by the Omnibus Transportation Employee Testing Act of 1991. This represents approximately 12.1 million workers. The DOT has very specific guidelines that must be followed and requires training and certification of individuals performing drug specimen collection services.

Similarly, many other governmental agencies require drug and alcohol testing of their employees. These include the Department of Defense, the Nuclear Regulatory Agency, and other federal agencies. Chiropractors may participate in all these programs as collectors.

The most common drugs tested for are marijuana (THC metabolites), opiates, cocaine, amphetamines/methamphetamines, and phencyclidine (PCP). These five drugs are commonly referred to as the NIDA-5 panel. It is these drugs that are mandated in federal regulation to be tested for in the DOT drug testing program.<sup>5</sup> Most private companies who institute drug testing programs also test for this same panel of drugs.

The DOT testing program is considered the “gold standard” by which drug testing programs are judged. It has been upheld in court and is accurate and fair to both the employer and the employee. It requires a screening test and a confirmation test. When a screening test is positive, a second sample must be tested by a separate independent laboratory.

A medical review officer (MRO) oversees the testing process. When a sample is suspected of adulteration or substitution, or is positive, the MRO contacts the employee to determine if the cause of the positive test result is due to the use of an allowable medication. It is the MRO who makes the ultimate decision whether or not a test is positive.

While there are no regulations requiring employers, who are not federally mandated to have drug testing programs, to use an MRO in the testing process, most companies with a testing program do. If a company’s drug abuse policy requires the termination of an employee who is found to be under the influence of drugs while at work, and MRO provides the company with a degree of certainty in the findings and the employee with a greater degree of fairness.

In addition to acting as a center for drug specimen collection, chiropractors can assist employers in developing drug and alcohol policies. By developing this skill set, a chiropractor can make him or herself a valuable asset to the company they are working with. Helping the company proactively prevent injury and reduce the costs associated with on-the-job drug use demonstrates not only that you are concerned about their employees you may treat, but also understand the needs of the company.

By providing occupational health services, such as drug testing, you can increase revenue for your practice. At the same time, the company’s employees are exposed to your practice. Each employee tested must go to your office for their testing. This can only increase your name recognition in the community. Furthermore, you are developing a

working relationship with the company and its safety and human resources departments. This will allow you the opportunity to explain the benefits of chiropractic and the other services your practice can provide for the company. This may include alcohol testing, post-offer physical examinations, second opinion examinations and direct treatment of their injured employees.

In short, while you can have a positive impact on your practice's revenue through drug specimen collection itself, the true benefit to providing this service is the opportunity it provides you to educate the employer about chiropractic and "sell" your clinic's other services.

The next article in this series will have to do with breath alcohol testing.

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<sup>1</sup> Safety and Health Topics, Workplace Substance Abuse. U.S. Department of Labor, Occupational Safety and Health Administration, <http://www.osha.gov/SLTC/substanceabuse/> October, 2005

<sup>2</sup> Diala CC. Gender, occupational, and socioeconomic correlates of alcohol and drug abuse among U.S. rural, metropolitan, and urban residents. *Amer J Drug and Alcohol Abuse*, May 2004

<sup>3</sup> Office of National Drug Control Policy (2001). *The Economic Costs of Drug Abuse in the United States, 1992-1998*. Washington, DC: Executive Office of the President (Publication No. NCJ-190636).

<sup>4</sup> National Institute on Drug Abuse, InfoFacts: Workplace Trends. <http://www.nida.nih.gov/Infofacts/workplace.html>, October 2005

<sup>5</sup> §49CFR Part 40