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Fitness-for-Duty Drug Testing Program Requirements

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Fitness for Duty Drug Testing Requirements; Request for Comment on Proposed Rule and Draft Regulatory Guide

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General Comment

The current rule stipulates personnel who are considered a part of the FFD program. 26.4 g, featured below states that personnel who are involved in the day to day operations of the program are considered FFD personnel, yet there are licensee employees who are called upon to perform infrequent duties, (For Cause, Post Event, back shift random testing) who are not involved in day to day operations. A typical example would include Security personnel. Security personnel, if not given access to random lists, are certainly notifying personnel and conducting collections. This wording has caused confusion among licensees. Recommend this section be clarified to clearly denote personnel who are considered FFD program personnel.

All FFD program personnel who are involved in the day-to-day operations of the program, as defined by the procedures of the licensees and other entities in 26.3(a) through (c), and, as applicable, (d), and whose duties require them to have the following types of access or perform the following activities shall be subject to an FFD program that meets all of the requirements of this part, except subparts I and K of this part, and, at the licensee's or other entity's discretion, subpart C of this part:

- (1) All persons who can link test results with the individual who was tested before an FFD policy violation determination is made, including, but not limited to the MRO;
- (2) All persons who make determinations of fitness;
- (3) All persons who make authorization decisions;
- (4) All persons involved in selecting or notifying individuals for testing; and
- (5) All persons involved in the collection or onsite testing of specimens.