

Department of Administrative Services
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Quarterly Drug Testing Forum

DOAS HRA - Policy Unit

July 24, 2025



Forum Topic

**The MRO Safety Letter:
Determining When An Employee's
Medication May Be Dangerous**



MEET THE PRESENTER

Regina Doural, CSAPA

General Manager, Compliance Services

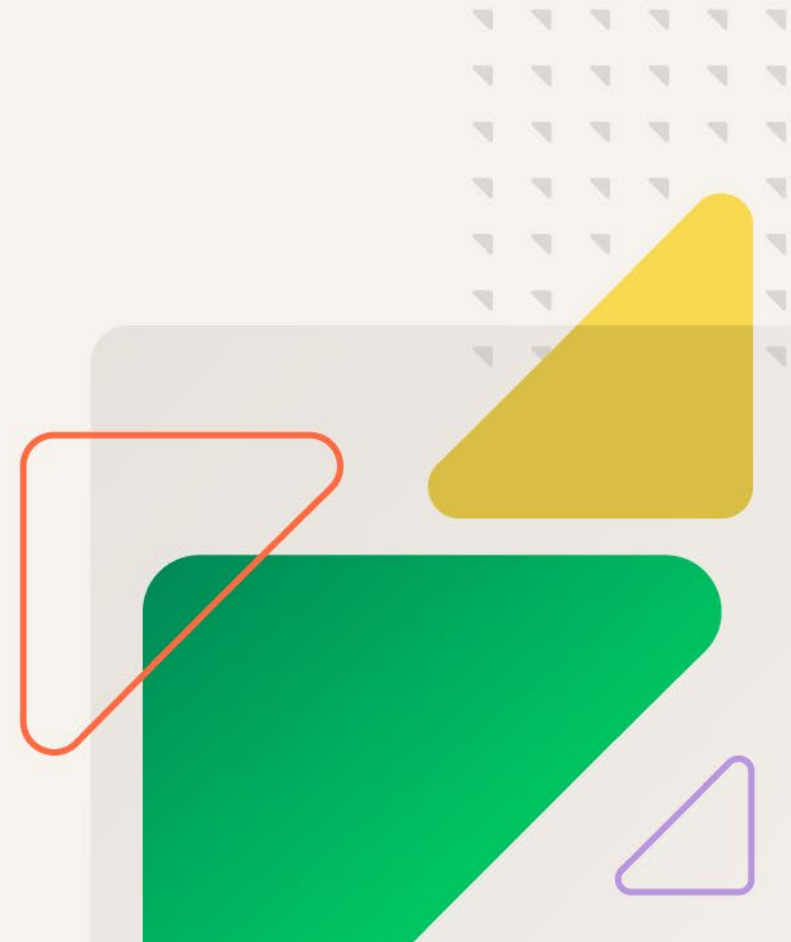
Vault Health Workforce Screening



MRO Safety Letters

Determining When An Employee's Medication May Be Dangerous

Regina Doural, CSAPA
July 2025



Safety Concern

Definition

Information learned as part of the MRO verification process which in their reasonable judgement is:

- Likely to result in the employee being determined to be medically unqualified under an applicable DOT agency regulation
- Indicates that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk

Safety
First

■ 49 CFR Part 40

The Regulations

Part 40 provides guidance on issuing and reporting safety concerns

40.135 (e)

The MRO must also advise the employee that, before informing any third party about any medication the employee is using pursuant to a legally valid prescription consistent with the Controlled Substances Act, you will allow 5 business days from the date you report the verified negative result for the employee to have the prescribing physician contact you to determine if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. If, in the MRO's reasonable medical judgment, a medical qualification issue or a significant safety risk remains after you communicate with the employee's prescribing physician or after 5 business days, whichever is shorter, you must follow 40.327. If, as the MRO, you receive information that eliminates the medical qualification issue or significant safety risk, you must transmit this information to any third party to whom you previously provided information under 40.327.

40.327 (c)

The MRO must not report such medical information using the CCF. Instead, the MRO must provide the information in a separate written communication (e.g., letter, secure email). The information must state the specific nature of the MRO's safety concern (e.g., the effects of a medication the employee is taking, the employee's underlying medical condition that the employee disclosed to the MRO).

Why Issue a Safety Letter

Safety Letters are issued at the discretion of the MRO

- Donor taking a medication for treating a condition that would make them unsafe to drive
 - Anti-seizure medication
- Prescribed medication that may pose safety issue
 - Warning: May cause drowsiness
 - Warning: May cause dizziness
 - Listed on FAA “Do Not Fly” list
- Donor admits medical condition that can pose safety issue
 - Narcolepsy
- Admit to taking medication for unrelated condition



Safety Letter



Safety Concern Notification DOT

July 21, 2025

DER

Donor Name submitted a specimen ~~Specimen~~ ID Number for a drug screen on Collection Date. The MRO verified result of this test was reported to you on Verified Date as Negative.

The MRO offered the donor 5 business days to have his/her prescribing physician call to discuss with an MRO.

The MRO is required by DOT regulations to determine if the donor's prescribed medication(s) pose a potential significant safety concern to perform his/her job duties. The MRO also must determine if a prescription medication(s) or medical condition(s) is disqualifying under an applicable DOT regulation.

The MRO has determined that:

- ☐ A prescribed medication poses a potential significant safety concern: potentially disqualifying RX Name
- ☐ A prescribed medication may be potentially disqualifying: Disqualifying Rx Name
- ☐ A medical condition may be potentially disqualifying: Disqualifying Medical Condition

The specimen donor's physician has ☐ ~~has~~ NOT ☐ contacted the MRO.

If you should have any questions, please call 866-441-5350 to speak to an MRO.

A handwritten signature in black ink, appearing to read "Abraham J. Hammell".

Abraham J. Hammell D.O.
First Advantage
Chief Medical Review Officer

Employer Actions

What should the employer do?

Options

1. Send the donor to an employer contracted physician for “fit for duty” examination
2. Request donor have personal physician review MRO safety letter and list of safety-sensitive job responsibilities
 1. Provide written confirmation that donor is safe to perform their duties while taking medication
 2. Provide written confirmation that medication has been changed
3. Offer employee role that is not safety sensitive
4. Take no action (not recommended)



Frequently Asked Questions

Why am I receiving the safety letter now? I already hired this applicant.

- DOT regulations require MRO to give the employee/applicant 5 business days to have their prescribing physician contact the MRO to discuss. If the physician doesn't contact the MRO, MRO will release the letter after 5 business days.

Why do I receive some letters immediately and some later?

- If the safety letter is for a medical condition, not medication, the letter can be issued immediately
- If the donor specifically tells the MRO they are not going to have their physician call the MRO, the letter can be issued immediately.
- If the physician contacts the MRO within a day or two, once the MRO spoke to physician they letter can be released.

Can I have the MRO remove the safety concern now that I received documentation from the employee's physician?

- No, once the safety letter is sent to you any further decisions on the employment of the applicant/employee are the responsibility of the employer.

Was the employee/applicant informed about the letter?

- As part of the MRO interview the donor is notified.

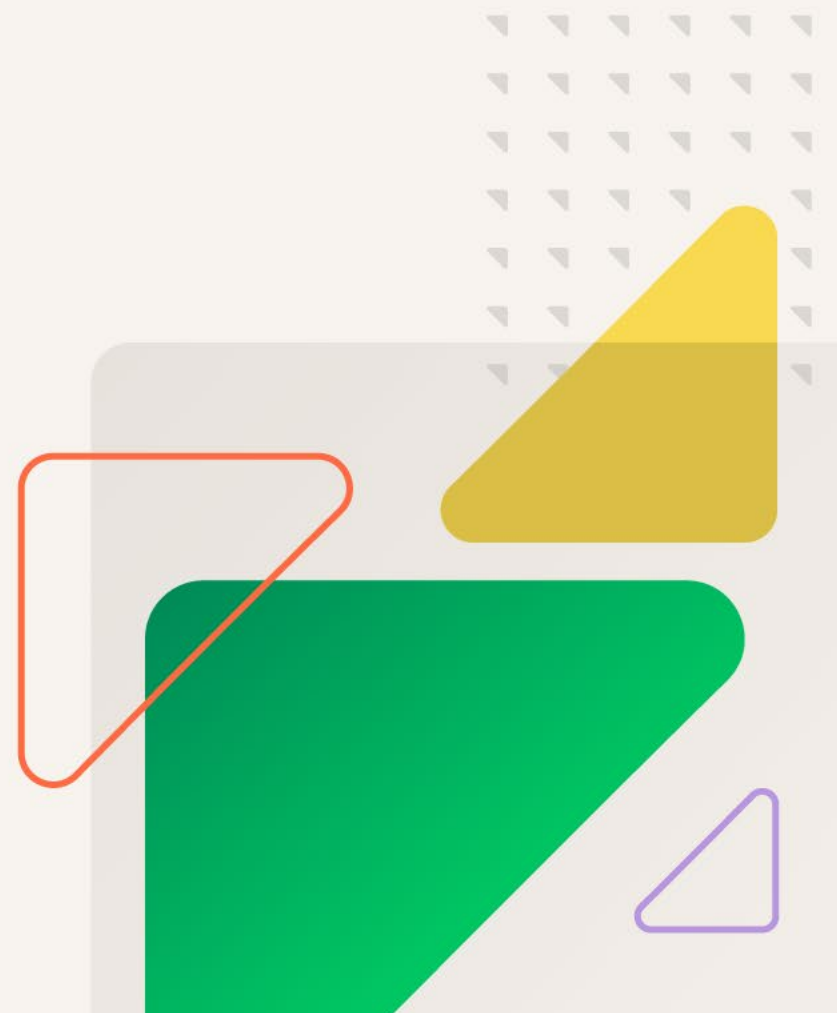
Am I required to remove this employee from duty and terminate them?

- No, the result is negative. You need to follow your company policy on employment decisions.



Questions?

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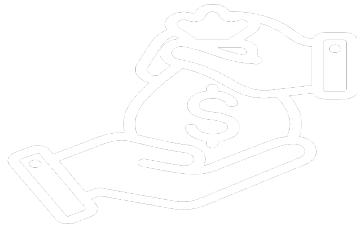


Next Drug Testing Forums

September 25, 2025

December 11, 2025

10 AM



Program Survey



Please use the QR Code shown here to leave your feedback.



Alternatively, please visit the following link: <https://survey.alchemer.com/s3/8400694/Quarterly-Drug-Testing-Forum-Survey-July-24-2025>.

Thank you!



Human Resources Administration

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