

# CRAFTING THE RIGHT POLICY FOR YOUR DRUG TEST PANEL

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**A** successful drug-free workplace program includes several essential components, including testing. Testing gives an employer the ability to determine if employees or job applicants are using drugs. It can identify evidence of recent use of alcohol, prescription drugs and illicit drugs.

When you decide to test your employees, it is important to choose a testing panel appropriate to meet your program needs, industry standards and applicable laws. The term “panel” refers to a drug or family of drugs included in a drug test. There are several panel options to choose from and the most common panels include 5-, 7- or 10-substances.

## The traditional 5-panel

The most accepted panel is testing conducted according to the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines used by the Department of Transportation (DOT) for safety-sensitive positions that are regulated by DOT agencies (the Federal Motor Carrier Safety Administration (FMCSA), the Federal Aviation Agency (FAA), the Federal Transit Authority (FTA), the Federal Railroad Administration (FRA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the United States Coast Guard (USCG)). These five illicit drugs include:

- Amphetamines
- Cocaine
- Marijuana
- Opioids
- Phencyclidine (PCP)

Some state drug testing laws mirror the federal regulations and thus mandate the use of the federal drug test panel.

## The 7- and 10-drug panels

Most private employers are not limited in the number of substances they can test for and may include other drugs that individuals legitimately and/or therapeutically take based on a physician’s prescription. Often the 5-drug panel is expanded to a 7- or 10-drug panel.

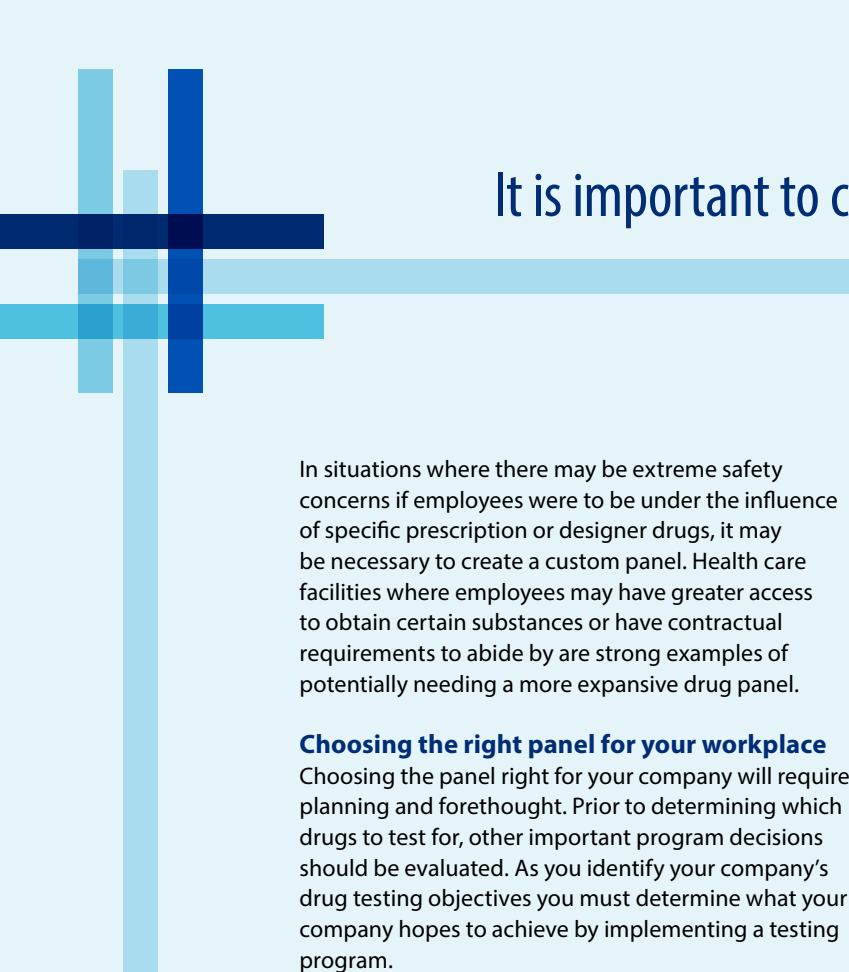
The 7-panel usually adds on benzodiazepines and barbiturates. Barbiturates and benzodiazepines are “downers” often prescribed for sedation purposes and are prone to being habit forming and can result in fatal overdoses.

A typical 10-panel adds on methaqualone, methadone and propoxyphene. Methaqualone is used recreationally as a muscle relaxant and aphrodisiac. Methadone and propoxyphene can be used as pain relievers and can cause extreme exhaustion, slowed heartbeat and confusion. These “add on” drugs are highly addictive and have very dangerous side effects.

Testing can also be done for:

- Hallucinogens (LSD, mushrooms, mescaline, peyote)
- Inhalants (paint, glue, hairspray)
- Anabolic steroids (synthesized, muscle-building hormones)
- Fentanyl, meperidine and tramadol

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# It is important to choose a testing panel appropriate to meet your program needs.

In situations where there may be extreme safety concerns if employees were to be under the influence of specific prescription or designer drugs, it may be necessary to create a custom panel. Health care facilities where employees may have greater access to obtain certain substances or have contractual requirements to abide by are strong examples of potentially needing a more expansive drug panel.

## Choosing the right panel for your workplace

Choosing the panel right for your company will require planning and forethought. Prior to determining which drugs to test for, other important program decisions should be evaluated. As you identify your company's drug testing objectives you must determine what your company hopes to achieve by implementing a testing program.

Some important questions to consider when deciding the appropriate panel to use as part of your program are:

- Will you test for and accept medical marijuana use?
- Are you mandated to comply with federal DOT regulations?
- Are you required to mirror DOT testing regulations per state law?
- Are you interested in participating in a program that allows an employer to receive a discount on workers' compensation premiums?
- Are you interested in a program to deny unemployment or workers' compensation claims?

Each of these factors will determine many program requirements including which substances can or should be included in a testing panel.

Equally important is to consider the last time you evaluated or updated your testing program. Fluctuations in world events, company goals and state laws can affect various elements of your program. A prime example is the current opioid crisis. America is in the throes of an opioid crisis and that alone should cause enough concern to review and analyze your current drug test panel. It is possible your testing panel

may need to be updated to reflect semi-synthetic opioids (i.e., hydrocodone, oxycodone, etc.) or other prescription medications. Alternatively, there may be drugs included in your panel that are no longer relevant. Studies have shown propoxyphene and methaqualone positivity rates are nearly non-existent and it may be reasonable to consider excluding these substances from your testing panel.<sup>1</sup>

One last worthy mention regarding updating panels is the substantial changes in marijuana state laws that affect workplace drug testing. Now that several states have legalized medical and/or recreational marijuana use, some jurisdictions have enacted laws prohibiting employers from testing for marijuana under certain circumstances. In other states, marijuana testing should be performed in limited circumstances. This leads into the importance of ensuring the testing panels comply with state and federal drug testing laws. There are a considerable number of states that delineate which substances can be included in a testing panel, while others leave that decision up to the employer.

## Conclusion

Whichever drug panel best suits your needs, it is best for the drug test panel to be outlined in a written drug and alcohol testing policy. The purpose of the policy is to not only meet the requirements of applicable laws and regulations, but also to describe any restrictions and requirements on workplace testing and inform employees and applicants of the company stance on the use of substances such as alcohol, legalized marijuana and prescription drugs. It is imperative that employees understand what drugs are prohibited and what the consequences are for policy violations to ensure that they can abide by the testing policy.

While a non-DOT-covered company has much more flexibility to design their drug testing program and drug-test panel than a company regulated under the DOT, a policy must be customized and built on the unique organizational requirements and developed to comply with all applicable federal, state or local laws.

1. Current, Andrew. "Propoxyphene and Methaqualone: Should You Test?" The Current Consulting Group, The Current Consulting Group, 11 May 2018, [www.currentconsultinggroup.com/propoxyphene-and-methaqualone-should-you-test/](http://www.currentconsultinggroup.com/propoxyphene-and-methaqualone-should-you-test/).