Guidance on the recordkeeping requirement for positive drug tests applicable to medical review officers and employers.

## Question:

Employer Requirements for Positives: Medical Review Officers (MROs) are required to maintain a signed or stamped and dated copy of Copy 2 of the control custody form (CCF) for positive drug test determinations. Are employers subject to the same requirement?

## Answer:

MRO record retention requirements for drug test results are found at §40.163. Pursuant to §382.401, employers must maintain certain drug and alcohol testing records for five (5) years, including positive drug test results. Employers may maintain these records electronically so long as they are able to produce the records for inspection pursuant to §390.31.