Guidance on the payment for a split-specimen test.

Question

Process and Payment for Split Specimen Test: If a driver makes a timely request for a split-specimen test within 72 hours after being notified by the Medical Review Officer (MRO) of a verified positive DOT drug test, and the driver cannot cover the cost of the split-specimen test, will the split-specimen test proceed?

Answer

Yes, the employer must ensure that the split-specimen test proceeds in a timely manner, as required by 49 CFR § 40.173, even if that means that the employer pays for the test. The DOT drug and alcohol testing regulations in 40 CFR part 40 provide that an employer may seek reimbursement for full or partial costs of the split-specimen test through company policy or a collective bargaining agreement, but the regulations take no position on who ultimately pays the cost of the test so long as the testing is conducted as required and the results released appropriately.  See 49 CFR § 40.171(a) and § 40.173.