Guidance on what happens when an employee does not provide sufficient urine for a drug test.

Question:

Shy Bladder: A CDL driver could not provide enough urine for the random test within three hoursof his/her first unsuccessful attempt. The collector stopped the test and reported to the designated employer representative (DER) that it was not completed. What happens in this situation?

Answer: In this situation, referred to as a “shy bladder,” the driver has up to five days to obtain an evaluation from a licensed physician acceptable to the MRO. The physician will evaluate the driver and will recommend that the MRO make one of the following determinations: (1) that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine; or (2) that there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine. The physician must provide the MRO with a written statement setting forth the physician’s recommendation and the basis for it. The MRO will then decide whether the test is cancelled or declared a refusal.  The regulations governing this process, including individual responsibilities are found in 49 CFR [§40.193](http://www.dot.gov/odapc/part40/40_193) and [§40.195](http://www.dot.gov/odapc/part40/40_195).