Drug Testing and Driver Physical Qualification Examination

## Guidance Q&A

***Question 7:*** If a motor carriers sends a potential interstate driver to a medical examiner to have both a pre-employment medical examination and a pre-employment controlled substances test performed, how must the medical examiner conduct the medical examination including the certification the driver meets the physical qualifications of §391.41(b)?

***Guidance:*** The medical examiner must complete the physical examination first without collecting the Part 382 controlled substances urine specimen. If the potential driver meets the requirements of Part 391, Subpart E [especially §391.41(b)] and the medical examiner chooses to certify the potential driver as qualified to operate commercial motor vehicles (CMV) in interstate commerce, the medical examiner may prepare the medical examiner’s certificate.

After the medical examiner has completed the medical examiner’s certificate and provided a copy to the potential driver and to the motor carrier who will use the potential driver’s services, the medical examiner may collect the specimen for the 49 CFR Part 382 pre-employment controlled substances test. The motor carrier is held fully responsible for ensuring the potential driver is not used to operate CMVs until the carrier receives a verified negative controlled substances test result from the medical review officer. A Department of Transportation pre-employment controlled substances test is not a medical examination test.