Understanding Chain of Custody Flaws in Drug Testing

Employment drug testing procedures utilize chain of custody forms (COC) or custody and control forms (CCF), documents that outline key information about the test being performed. It is imperative these forms are filled out properly to produce reliable and accurate test results. To ensure reliability, a Medical Review Officer (MRO) reviews these documents to ascertain they contain the necessary information. Furthermore, the testing laboratory reviews the form to ensure that it is intact and flawless.

However, because COC review involves some manual processes it is susceptible to human error. Any discrepancy noted on the COC is referred to as a "flaw". For both DOT and non-mandated workplace drug testing, third-party administrators (TPAs) adhere to HHS principles and DOT criteria, following the industry's gold standard for handling flaws.

COC flaws are mainly classified in two categories**: Fatal flaws** and **Non-fatal flaws**. This paper will define and provide examples for both.

Fatal Flaws

Fatal flaws are so named because they refer to issues with the COC form that bring the validity of the test into question and cannot be corrected. These flaws result with either the MRO cancelling or the laboratory rejecting the test. The following are examples of fatal flaws:

- No form included with the specimen
- Collector's name and signature missing
- Two separate collections were performed using one form
- Specimen ID numbers on the specimen bottle and form do not match
- Specimen bottle seal broken or shows evidence of tampering
- Insufficient amount of specimen provided
- The collector used an expired device for an oral fluid collection

Non-Fatal Flaws

Non-fatal flaws involve correctable discrepancies that can be corrected by a memorandum for the record (MFR) from the collector or laboratory, as applicable. If not corrected within a certain time frame (usually five business days) these flaws result in specimen rejection and/or cancellation of the test.

Some examples of non-fatal flaws and corrective action taken by the MRO or laboratory are:

Non-fatal flaw	Corrective Action
The collector failed to sign the CCF, but the printed name is present.	The laboratory must contact the collector to recover the signature.
The collector used a non-federal form or an incorrect/expired Federal CCF (and the specimen was tested in accordance with Mandatory Guidelines requirements).	The laboratory must contact the collector for an MFR to explain the use of the non-federal or incorrect/expired CCF and ensure that all required information is present.
The urine specimen temperature was not checked and the "Remarks" line did not contain an entry regarding the temperature being outside of range.	The MRO or laboratory must attempt to correct the problem by following the procedures of CFR §40.208.

Omissions and discrepancies are considered insignificant when a collector or laboratory staff member does not make the error more than once a month. Examples of infrequent flaws include, but are not limited to:

- MRO, donor, laboratory, or employer information (such as addresses, names, phone numbers, ID numbers, etc.) is incorrect, incomplete, unreadable, or missing.
- Check boxes (such as reason for test, single or split specimen collection, observed or not, drug tests to be performed, etc.) were not marked.
- Collection information (such as the name of collector missing but signature is present, date/time of collection is missing, collection site address is missing.)

Ultimately, whether a sample can be tested or not will vary on a case-by-case basis, depending on the particular flaw. It is essential that every set of eyes within the drug test collection and testing process properly review and verify COC and CCF forms to ensure valid, reliable results.

References:

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