**Section 9140.50 Split Testing of Urine and Blood Specimens**

a) Request to Test a Split Specimen

1) When the MRO notifies the employee that the employee has a positive, substituted or adulterated result, the employee may request a test of the split specimen within 72 hours from the time of notification by the MRO. The request by the employee may be verbal or in writing.

2) If the employee has not requested a test of the split specimen within 72 hours, the employee may present to the MRO information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making a timely request.

3) If the MRO concludes from the employee's information that there was a legitimate reason for the employee's failure to contact the MRO within 72 hours, the MRO must direct that the test of the split specimen take place.

4) When an MRO has been requested by the employee or directed by the MRO, the MRO shall immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second laboratory. The laboratory shall forward a copy of the Chain of Custody Form to the second laboratory.

b) Cost of the Split Specimen Testing. The employer shall ensure that the split specimen testing is conducted as required by this Section. The employer may seek payment or reimbursement of all or part of the cost of the split specimen from the employee. An employer shall not condition compliance with this Section on the employee's payment of split testing.

c) Procedural Requirements for the Laboratory Testing the Primary Specimen

1) The first laboratory at which the primary and split specimen arrive must check to see whether the split specimen is available for testing. If the split specimen is unavailable or appears insufficient, the laboratory must do the following:

A) Continue the testing process for the primary specimen. The laboratory shall report the results for the primary specimen without providing the MRO information regarding the unavailable split specimen.

B) Upon receiving a letter from the MRO instructing the laboratory to forward the split specimen to another laboratory for testing, report to the MRO that the split specimen is unavailable for testing. The laboratory shall provide as much information as possible about the cause of the unavailability.

2) The laboratory testing the primary specimen is not authorized to open the split specimen under any circumstances.

3) When the laboratory that tested the primary specimen receives written notice from the MRO to send the split specimen to another laboratory, it must forward both the split specimen in its original specimen bottle, with the seal intact, and a copy of the MRO's written request to the second laboratory.

4) The laboratory that tested the primary specimen must not send to the second laboratory any information about the identity of the employee, excluding the initials of the employee on the specimen container or bottle.

d) Procedural Requirements for the Laboratory Testing the Split Specimen

1) Testing of a Split Specimen When it is Tested to Reconfirm the Presence of Alcohol, Drugs or Other Intoxicating Compounds

A) The laboratory testing the split specimen must test the split specimen for the alcohol, drugs or other intoxicating compounds detected in the primary specimen.

B) If the test fails to reconfirm the presence of the alcohol, drugs or other intoxicating compounds that were reported positive in the primary specimen, the laboratory must conduct validity tests in an attempt to determine the reason for being unable to reconfirm the presence of alcohol, drugs or other intoxicating compounds

C) In addition, if the test fails to reconfirm the presence of the alcohol, drugs or other intoxicating compounds reported in the primary specimen, at the employer's discretion the laboratory may send the specimen or an aliquot of it, if a sufficient amount is available, for testing at another laboratory that has the capability to conduct another reconfirmation test.

2) Testing of a Split Specimen When it is Tested to Reconfirm an Adulterated Test Result

A) The laboratory testing the split specimen must test the split specimen for the adulterant detected in the primary specimen, using the confirmatory test for the adulterant.

B) If the test fails to reconfirm the adulterant result reported in the primary specimen, the laboratory may send the specimen or an aliquot of it for testing at another laboratory that has the capability to conduct another reconfirmation test.

3) Testing of a split specimen when it is tested to reconfirm a substituted test result. The laboratory testing the split specimen must test the split specimen using the confirmatory tests for creatinine and specific gravity.

e) Reporting of Split Specimen Testing Results by Testing Laboratory. The laboratory responsible for testing the split specimen must report split specimen test results to the MRO immediately. The laboratory testing the split specimen shall not report results to or through the DER.