

How Oral Fluid Testing Helps to Mitigate Workplace Risks

By **Bill Current** and **Brian Feeley**
Of The **Current Consulting Group**

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Meet the Presenters



Bill Current

Bill Current is the author of “Why Drug Testing: Updated and Expanded for 2020,” as well as 9 other books on substance-related issues.

He founded the Current Consulting Group in 1998 and it has become the number one recognized brand name in compliance and business development consulting in the drug testing industry.



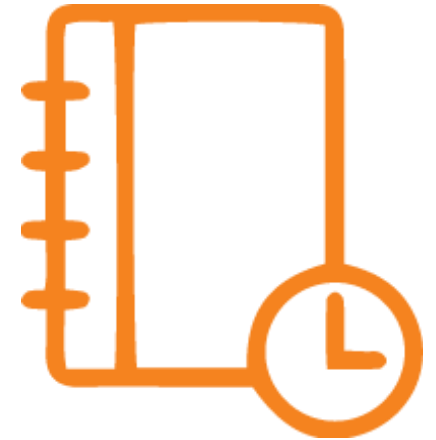
Brian Feeley

Brian is Vice President of the Current Consulting Group, working to expand products and services, sales and marketing, and assist with business development activities.

Brian has more than 40 years of experience in the diagnostics industry. He is named as an inventor on four patents in the diagnostics field and is an author in numerous publications.

Agenda

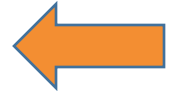
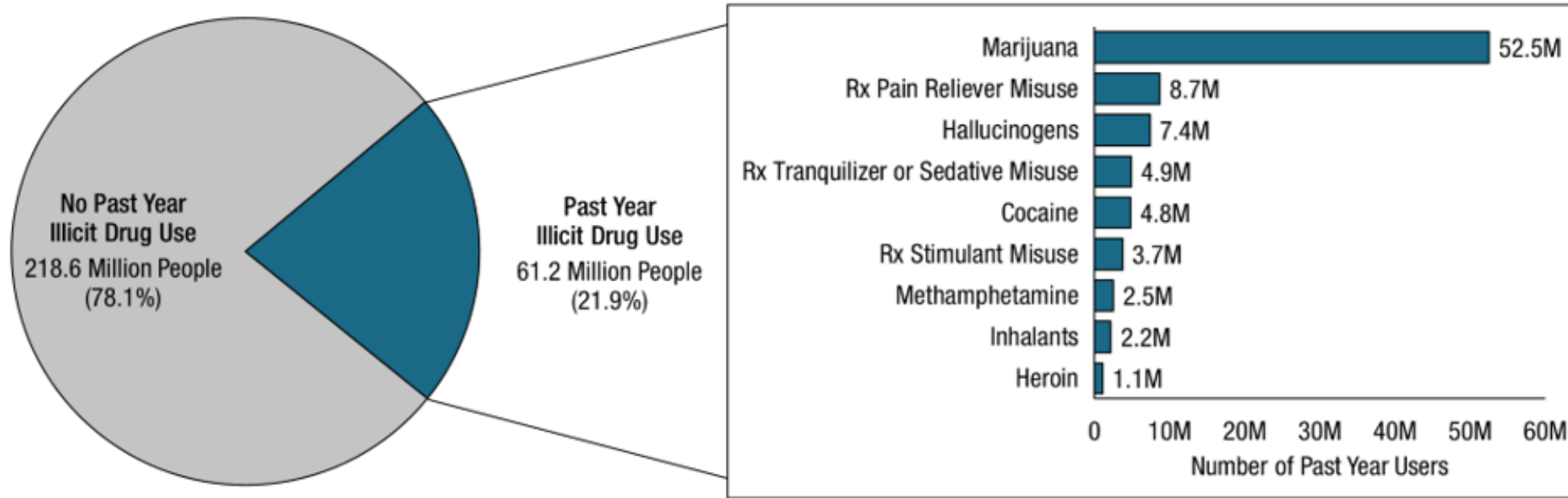
- Recent workplace substance abuse trends
- Key attributes of oral fluid drug testing
- How oral fluid testing helps mitigate substance abuse-related risks
- New DOT guidelines for oral fluid drug testing
- What can employers do to implement oral fluid drug testing?





Recent Workplace Substance Abuse Trends

Drug Use Continues To Be an Issue For Employers



**Increase
from 2020
(17.9%)**

Past Year Illicit Drug Use and Past Year Among People Aged 12 or Older; 2021

Source: SAMHSA-NSDUH-FFR1.15

Marijuana in the Workplace

- Marijuana is driving the overall increase in substance abuse in the U.S., and this is reflected in drug test results.
- **Workplace positivity rates** for **marijuana** in the general U.S. workforce, based on more than 6.3 million tests, continued an upward climb, **increasing 8.3%** between 2020 and 2021 and **further increasing 31.4%** from 2021 to 2022.
- **The highest positivity rate ever reported in the DTI.**
- **Over 5 years**, positivity for marijuana in the general U.S. workforce **increased 53.6%** (2.8% in 2018 versus 4.3% in 2022).
- **Post-accident** marijuana positivity **increased 204.2%** from 2012-2022.
- The **overall positivity rate** in the combined U.S. workforce, based on over nine million drug tests collected between January and December 2022, was **the same in 2021 with 4.6%** and **up 31.4%** from the all-time low of 3.5% **just 10 years ago** (2011-2022).



Source: Quest Diagnostics Drug Testing Index

Positive Drug Test Results Shed Light



- After 5 years of steady decline in several drug categories, **positivity rates** based on urine drug tests **are up for DOT-covered workers**:
 - **Marijuana increased 8.9%** (0.79% in 2020 to 0.86% in 2021)
 - **Amphetamines increased 7.8%** (0.64% in 2020 to 0.69% in 2021)
 - **Cocaine increased 5.0%** (0.20% in 2020 to 0.21% in 2021)

Source: Quest Diagnostics Drug Testing Index

Positive Drug Test Results Shed Light

- **Cocaine** positivity increased in 12 of 15 industries year over year and **was highest in construction at 0.33%**.
- **Amphetamines** positivity increased **15.4%**, driven by increases in 14 of 15 industries, and was **highest in Education Services**, at 2.1%.

Drug Category	2018	2020	2021	2022
Amphetamines	1.1%	1.1%	1.1%	1.2%
Barbiturates	.20%	.20%	.10%	.17%
Benzodiazepines	.43%	.39%	.36%	.35%
Cocaine	.26%	.21%	.21%	.22%
Marijuana	2.5%	2.7%	2.9%	3.1%
Opiates (Hydrocodone/Hydromorphone)	.37%	.33%	.32%	.32%
Oxycodones (Oxycodone/Oxymorphone)	.34%	.29%	.29%	.28%

<https://newsroom.questdiagnostics.com/2023-05-18-Post-Accident-Workforce-Drug-Positivity-for-Marijuana-Reached-25-Year-High-in-2022,-Quest-Diagnostics-Drug-Testing-Index-Analysis-Finds>

How Drug Use Can Affect the Workplace



Inconsistent work **quality**



Poor concentration and **lack of focus**



Lowered productivity or erratic work patterns



Increased **absenteeism**



Carelessness, **mistakes**, or errors in judgment



Disregard for safety of self and others, on-the-job and off-the-job accidents



Driver **accidents**

Results of Drug Abuse

- 38-50% of all **workers' compensation claims** are related to workplace substance abuse. Further, drug-abusing workers filed **3-5 times more workers' compensation claims** as their non-using co-workers
- Substance abusers incur **300% higher medical costs** than non-substance abusers
- Substance abusers are **2.5 times more likely to be absent** eight or more days a year
- Substance abusers are **33% less productive** than their non-using co-workers



Source: *Why Drug Testing?* By Bill Current

More Drug Users, More Accidents?

Yes!



- More workers testing positive generally, and specifically for marijuana, means more drug-impaired workers on the job... and more accidents.
- The Quest DTI: “Over the last five years in general U.S. workforce drug testing... **post-accident positivity increased 22.6%** (8.4% in 2018 versus 10.3% in 2022).”
- Specifically, **post-accident positivity** as compared to **pre-employment tests** in specimens tested for marijuana and cocaine in the general U.S. workforce was higher by **58.7% and 230%**, respectively.
- **Post-accident positivity for marijuana** among the federally mandated safety-sensitive population increased year over year by **16.7%** (1.8% in 2021 versus 2.1% in 2022) and over five years by **40%** (1.5% in 2018 versus 2.1% in 2022)

Key Attributes Of Oral Fluid Drug Testing

Oral Fluid Testing Used to Be Referred to as an Emerging Technology

- Today we are looking to the future to imagine how employers will conduct drug testing.
- The term “emerging technology” has always been around.
- For two decades **oral fluid testing was considered an emerging technology.**
- It is **now in common use** in some industries as both a lab-based and point-of-collection, rapid-result test.
- The advantages of oral fluid align well with many of the challenges employers face as they consider whether to continue conducting drug testing and/or testing for marijuana.



Three Significant Trends

- First, **SAMHSA has endorsed oral fluid testing** with official guidelines that can be used as a framework for both rapid-result and lab-based oral fluid testing programs.
- Second, **DOT issued final regulations for oral fluid testing** in May of 2023 signaling its intent to allow the use of oral fluid for DOT-mandated drug testing once at least two laboratories are SAMHSA-certified, thus elevating the perception of oral fluid testing among both sellers and buyers.
- Third, **the legalization of marijuana** at the state level has caused many employers to focus on the detection of recent drug use rather than lifestyle drug use.



Oral Fluid Gains Popularity

- In **Current Consulting Group's** 2022 Drug Testing Industry Survey, co-sponsored by Wondfo, providers who now say they offer oral fluid testing—**surged from just 36% in 2019 to 85.6% in 2022.**
- In Current Consulting's 2023 survey, when providers were asked what drug testing method will be most used in the future:
 - 46% said urine
 - **46% said oral fluid**
- Ten years ago, it's hard to image that oral fluid testing would've registered a response anywhere close to urine's percentage.
- **Today they are neck-and-neck**



Source: Current Consulting Group's 2022 & 2023 Drug Testing Industry Survey

Oral Fluid Testing

Advantages

- Collect **anytime**, anywhere
- No need for private restrooms or same gender collectors
- **Adulteration** is nearly impossible.
- **Recent-use** detection (typically within 10-15 minutes after usage)
- Eliminates shy bladder issues
- On-site testing reduces **time away from work, improves productivity**
- POCT oral fluid makes **same day hiring decisions** possible
- **Endorsed by SAMHSA and DOT**

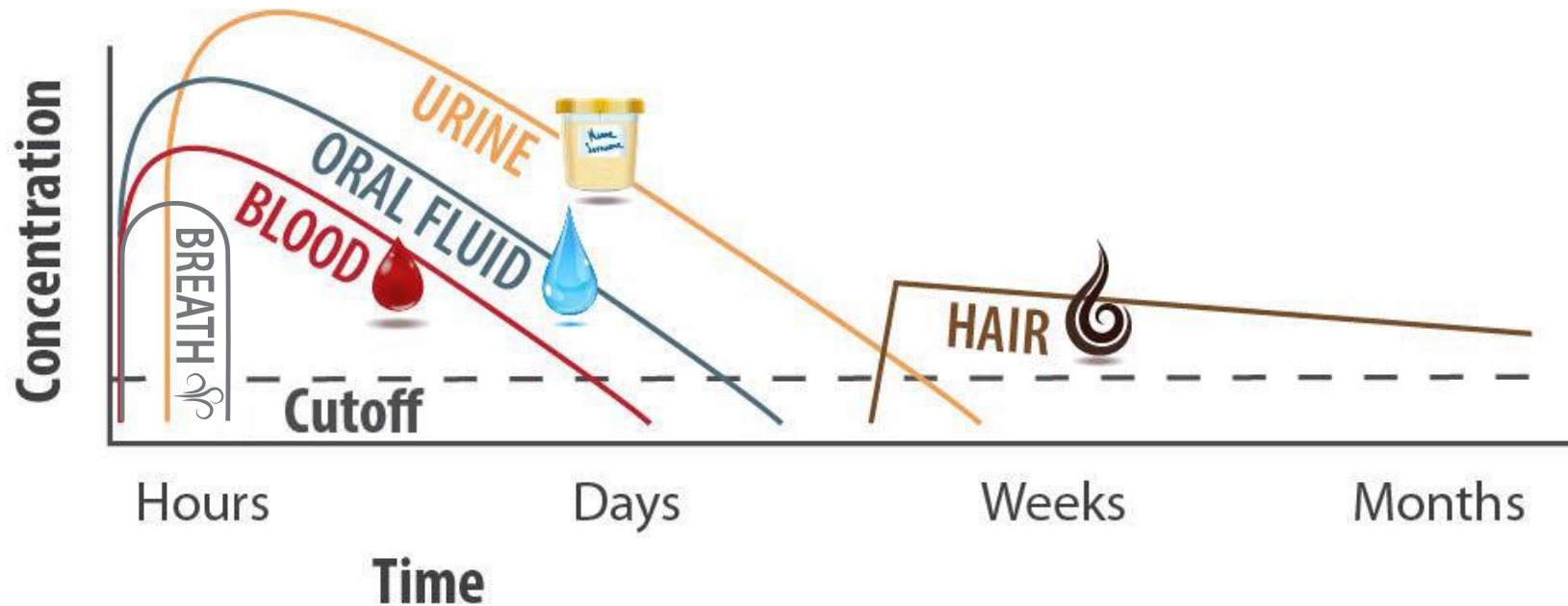
Considerations

- **Lab oral fluid is possibly not permitted** in three states
- **Dry mouth** syndrome
- Use of outsourced collectors can change benefit of standard cost

How Oral Fluid Testing Helps Mitigate Substance Abuse-Related Risks

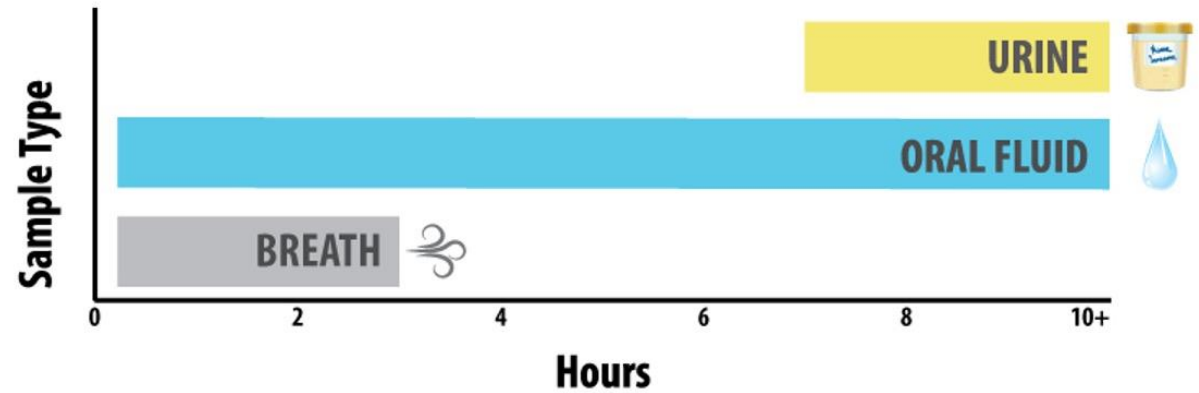
Drug Detection Windows: Things To Know

- **Recent-use detection** is very appealing to **SAMHSA** and **DOT**.
- Drugs become detectable in oral fluid **almost immediately post-ingestion**, rather than a number of hours or days later as is the case with urine and hair, respectively.





The window of impairment for cannabis is 3-10 hours according to a report from the University of Sydney



Why is the Window of Impairment Important?



Understanding the window of impairment for drugs helps employers:

- **Choose a drug testing method** that is best suited to their needs
- Understand when a **positive drug test can correlate** with the **window of impairment** for a specific drug
- Determine the importance of **recent-use testing**

Oral Fluid Testing May Be The Best Testing Option To Address **Recent Trends** In Drug Abuse. **Why?**

Detects **recent use**



Covers the entire **window of impairment** from marijuana use



Easy to administer



Virtually **eliminates cheating** on drug tests





New DOT Guidelines For Oral Fluid Drug Testing

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SAMHSA Oral Fluid Drug Testing Guidelines

The long-awaited release of the Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines for lab-based oral fluid drug testing (**OFMG**) occurred on **October 24, 2019**. **Why?**

Enhanced Flexibility—

Employers can choose between urine or oral fluid; whichever specimen is best suited to the situation

Enhanced Versatility—

Oral fluid collections can occur anytime, anywhere

Decreased Invalid Tests—

Oral fluid collections are 100% observed, which substantially reduces the risks of substitution or adulteration

Saves Time—

Oral fluid collections likely occur at or near the place of work, reducing the time needed away from work

Versatility in Detection—

Oral fluid testing is capable of detecting drugs within minutes after usage

“

The **scientific basis** for the use of oral fluid as an alternative specimen for drug testing has now been **broadly established** and the advances in the use of oral fluid in detecting drugs have made it possible for this alternative specimen to be used in Federal programs with the **same level of confidence** that has been applied to the use of urine.

”

Source: Mandatory Guidelines for Federal Workplace Drug Testing Programs—Oral/Fluid Substance Abuse and Mental Health Services Administration (SAMHSA), HHS. Federal Register/Vol. 84, No. 207/Friday, October 25, 2019/Rules and Regulations

DOT Final Rule For Oral Fluid Testing

May 2, 2023. Why did the Department of Transportation (DOT) decide to **permit lab-based oral fluid testing** for DOT-regulated positions?

- ✓ Combatting **adulteration/substitution**
- ✓ All collections are **directly observed**
- ✓ Potential **cost savings**
- ✓ **Quick** and **easy** specimen **collections**
- ✓ **Fewer** collection facility **requirements**
- ✓ Tighter **window of detection**
- ✓ **Recent-use detection**



Projected Transition To Oral Fluid

- SAMHSA estimated that in the first year of implementation, **7%** of the roughly 150,000 annual drug tests of **federal employees** would transition to oral fluid
- About **25-30%** after four years
- SAMHSA also estimated the same transition rate for the 6 million annual **DOT-mandated drug tests**—about **1.5 million** eventually transitioning to oral fluid
- If **25-30%** of the nearly **30 million annual non-mandated** workplace drug tests transition to oral fluid, that would be at least **another 9 million-plus** when combined with the DOT drug tests
- If the nearly **46% of surveyed providers** who predicted oral fluid would be the most used specimen in the future are correct, the eventual transition rate could be greater than 30%



States that Allow for Oral Fluid Testing

- **Virtually all states permit oral fluid testing**
 - Possible exceptions for lab-based oral fluid include: Maine, Vermont & Hawaii
- **Virtually all states permit rapid-result, point-of-collection testing**
 - Possible exceptions include states with laboratory licensing laws.
 - Other exceptions may include states with voluntary laws, where restrictions would only apply to companies participating in the state's voluntary drug testing program, or
 - State workers' or unemployment comp regulations that allow employers to move to deny benefits based on a positive drug test result.



State Law Examples

State	Law Type	Oral Fluid?	POCT?	Comments
Alabama	Voluntary	Permitted	Prohibited?	Outside of voluntary law POCT is permitted.
Arizona	Voluntary	Permitted	Permitted	"nothing in this article shall be construed to encourage, discourage, restrict, limit, prohibit, or require on-site drug testing or alcohol impairment testing."
Connecticut	Mandatory	Not mentioned	Permitted	Must confirm using GC/MS or other reliable method approved by Commissioner of Public Health.
Minnesota	Mandatory	Permitted	All tests must take place in a certified lab.	A POCT device with an integrated reader system that determines the result instead of an employee satisfies the lab requirement.
New York	Laboratory licensing law	Permitted	Prohibited	POCT facilities would be subject to the same standards as laboratories. Could a reader system suffice?

Where Oral Fluid Testing May Be the Only Option



California AB-2188

Beginning in January 2024, it will be:

- “**Unlawful** for an employer **to discriminate** against a person in hiring, termination, or any term or condition of employment, or otherwise penalizing a person”
- **If the discrimination** is based upon, among other things,
- “An employer-required drug screening test that has found the person to have **non-psychoactive cannabis metabolites** in their hair, blood, urine, or other bodily fluids”
- **With few exceptions**

Where Oral Fluid Testing May Be the Only Option

Washington SB 5123

Beginning in January 2024, **employers cannot discriminate** against an **applicant** during the hiring process if the discrimination is based on:

- The individual's use of cannabis **off-the-job** and **away from the workplace**
- A required drug test that indicates the presence of "**non-psychoactive cannabis metabolites**" in the hair, blood, urine, or bodily fluid

Except for a long list of exceptions



What Can Employers Do To Implement Oral Fluid Drug Testing?

Non-Regulated Employers

- The good news is— **You can begin conducting oral fluid testing now!**
- Speak with **Wondfo** to help with the following:
 - 1) **Identify** your drug-testing objectives
 - 2) **Update** your policy with specific rapid-result and/or lab-based oral fluid testing language
 - 3) **Determine** how you will collect oral fluid samples (on-site using your own trained employees and/or professional technicians or at an off-site collection facility)
 - 4) **Prepare** supervisors/managers
 - 5) **Ensure** all vendors are ready to provide their services
 - 6) **Announce** the program to your employees



Regulated Employers

- **You can begin** conducting lab-based oral fluid testing **AFTER** the implementation period.
- Speak with your provider to help with the following:
 - 1) **Updating** your SAMHSA drug testing policy to reflect the addition of lab-based oral fluid testing
 - 2) **Training** employees to conduct on-site oral fluid collections per the regulations
 - 3) **How** to identify qualified professional collectors, certified laboratories, and trained medical review officers

Note: Even DOT-covered employers may immediately begin utilizing lab-based oral fluid drug testing for their non-DOT covered employees or in non-DOT testing circumstances





Conclusion

Is Oral Fluid Right For Your Company?

If you're worried about....

- Detecting recent use
- Legal marijuana laws
- Privacy/gender concerns
- Adulteration/cheating
- Shy bladder
- Lost productivity
- Overall cost of drug testing

Then...

Oral fluid may be the answer!



Questions?



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SAFElife toxicology products provide a wide range of tests and configurations to monitor drug use and/or misuse for a variety of settings. Oral saliva tests are used to detect substances within hours of use, while urine tests are used to detect substances within days of use.

Please visit <https://wondfousa.com/find-your-test/safelife/> for more information.

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