



COMMON MYTHS ABOUT ORAL FLUID DRUG TESTING AND HOW TO RESPOND TO THEM

By William F. Current, President and Founder of WFC & Associates

MYTH: Oral fluid testing is on the decline.

RESPONSE: Use of oral fluid testing is growing each year.

1. Oral fluid drug testing in the workplace is relatively new compared to lab-based urine testing. But in a fairly short period of time it has become the testing method of choice for many companies.
2. While it will not meet the needs of every employer, because of its unique advantages it will appeal to many companies whose workplace circumstances make the collection of a urine sample impractical and/or very expensive.
3. Oral fluid testing will continue to grow in popularity in the United States as more employers learn about it and more drug testing companies promote it.
4. Most of the major laboratories now offer both lab-based and instant result oral fluid testing, another indicator of its potential for growth.
5. Oral fluid testing is a popular choice in the criminal justice market where cost and convenience are key deciding factors in choosing a drug testing method.
6. Oral fluid testing is already as popular as urine testing, in some foreign markets.

MYTH: Oral Fluid Testing Is Not Accurate

RESPONSE: Oral fluid testing is equivalent to blood, the gold standard.

1. Scientifically speaking blood is considered the gold standard for testing, but is far too invasive as a drug testing method and requires sophisticated lab equipment. Oral fluid provides a "blood-equivalent" result because it measures similar molecules found in blood plasma.

2. When analyzing blood or oral fluid it is possible to actually test for the parent drug itself and not just a metabolite of that drug as with urine, which reduces cross-reactivity problems (i.e., poppy seeds and opiates).
3. Developments in oral fluid testing technology make it possible with some products to actually aspirate an exact volume of oral fluid providing a reliable quantitative result.
4. As with any alternative drug testing method, much depends on the quality of the actual device being used. There is a wide gap in terms of accuracy, reliability and ease-of-use between the best products available and the least expensive products on the market. In particular, with oral fluid testing devices you get what you pay for.

MYTH: Oral fluid testing is illegal in most states.

RESPONSE: Oral fluid testing is legal in most states.

1. For workplace drug testing there are only two states that prohibit the use of oral fluid testing entirely:
 - Hawaii
 - Maine.
2. There are a handful of states that do not permit on-site Point of Care (POCT) testing and as a result do not permit on-site oral fluid testing. These states include:
 - Kansas
 - Minnesota
 - Nevada
 - New York (location where POCT is conducted must be licensed by state)
 - Vermont
3. There are a number of states that have voluntary drug testing laws that may restrict how drug testing is conducted, including limiting testing to either lab-based testing only or urine testing only. The conditions of the voluntary laws only apply to those employers who qualify for and actually participate in the program. Outside of the voluntary laws in these states there may not be restrictions on oral fluid testing.

The voluntary state laws that restrict oral fluid testing include:

- Alabama (oral fluid testing is not permitted under the voluntary law)
- Alaska (oral fluid testing is not permitted under the voluntary law)
- Arizona (oral fluid testing is not permitted under the voluntary law)
- Arkansas (oral fluid testing is not permitted under the voluntary law)
- Florida (lab-based oral fluid testing is permitted)

- Georgia (POCT oral fluid testing for pre-employment screening only)
 - Mississippi (oral fluid testing is not permitted under the voluntary law)
 - Ohio (oral fluid testing is not permitted under the voluntary law)
 - Tennessee (oral fluid testing is not permitted under the voluntary law)
4. Workplace drug testing laws do not apply to other markets such as schools, criminal justice, treatment and athletics. Oral fluid testing is typically not restricted in these markets.
 5. Oral fluid testing has been in use with many buyers in probation, parole, community corrections, drug courts, pre-trial services, diversion programs, and law enforcement at all levels (city, county, and state) and public and private drug treatment programs, and mental health agencies.

MYTH: The federal government does not permit the use of oral fluid testing.

RESPONSE: Many branches and agencies of the federal government do not prohibit the use of oral fluid testing.

1. The SAMHSA guidelines do not include oral fluid testing as an approved drug testing method. However, the SAMHSA guidelines only apply to the testing of certain federal employees and certain drug testing programs regulated by the federal government.
2. For instance, oral fluid testing is not permitted in compliance with the DOT regulations. Likewise, POCT and hair testing are not permitted.
3. However, many federal agencies do permit oral fluid testing and some actually use oral fluid testing. For example, some departments within the Federal Probation currently use oral fluid test devices. Other agencies such as the branches of military and the Bureau of Prisons may not restrict the use of oral fluid testing.

MYTH: Only oral fluid testing devices approved by the U.S. Food & Drug Administration (FDA) can be legally used.

1. Currently, the FDA has not cleared a POCT oral fluid device. Therefore, in those states that require the use of FDA cleared devices for on-site testing POCT oral fluid testing cannot be conducted. The only states with such restrictions include: Louisiana, Maryland, Montana, and Oklahoma.
2. It is important to understand what FDA clearance means. It means the FDA has examined a product to ensure that existing data substantiate the claims made by the manufacturer in the device's package insert.

3. Until the FDA clears a POCT oral fluid device a buyer is well advised to research the manufacturer's credibility and look for internal data and studies to support the accuracy and reliability of the product.
4. Varian's OraTube lab-based oral fluid testing device does not require FDA clearance per the FDA because it, as well as similar products, is a collection device not a testing device.

William F. Current is the President and founder of WFC & Associates, a national firm that specializes in employee screening policy development, including drug testing and background screening, and drug testing marketing and sales consulting. Mr. Current served as the Executive Director of the American Council for Drug Education and was the first Director of the Institute for a Drug-Free Workplace. He is the author or co-author of 10 books on substance abuse issues.

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