351.183 Contracts for specimen collection and laboratory testing services -- Standards, procedures, and protocol -- Criteria for proof from other sources -- Annual publication of certified collection and testing providers.

(1) The Office of Mine Safety and Licensing may contract with qualified companies to provide the collection of samples and administer the required drug and alcohol tests. The contract may provide that the collection of samples or testing be subcontracted, except that the contract shall require:

(a) The contractor and any subcontractors to follow all standards, procedures, and protocols set forth by the United States Department of Health and Human Services' Substance Abuse and Mental Health Services Administration (SAMHSA) for the collection and testing required by KRS 351.182 and this section;

(b) The contractor's or subcontractor's drug-testing protocol shall be a ten (10) panel test described in KRS 351.182(8) and any other test required by order of the Mine Safety Review Commission; and

(c) The contractor or the subcontractor shall provide a medical review officer (MRO) who shall:

1. Possess the ability and medical training necessary to verify positive confirmed test results and evaluate those results in relation to an applicant's medical history or other biomedical information; and

2. Follow all procedures outlined in the SAMHSA Medical Review Officer Manual.

(2) The executive director of the Office of Mine Safety and Licensing may accept proof of drug- and alcohol-free status from other sources whose tests conform to the requirements set forth in KRS 351.182(7) and (8) and in accordance with KRS 351.182(2)(b) under the following conditions:

(a) An applicant shall submit a request for acceptance of his or her drug- and alcohol-free status to the executive director accompanied by pass/fail results of a drug and alcohol test taken within thirty (30) days prior to the request; and

(b) The test results shall have been performed by laboratories certified in accordance with the National Laboratory Certification Program (NLCP) by the United States Department of Health and Human Services Administration's SAMHSA and in accordance with subsection (1) of this section.

(3) The Office of Mine Safety and Licensing shall maintain and publish annually a list of certified specimen collection services and testing laboratories from which it will accept data.

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