

QUESTION:

If an MRO knows the identity of a physician responsible for determining whether a DOT-regulated employee is physically qualified to perform safety-sensitive duties (e.g., under Federal Motor Carrier Safety Administration regulations for physical qualifications of motor carrier drivers) for another company, can the MRO report drug test result as well as medical information to that physician?

ANSWER:

- Under §40.327(a), an MRO must report drug test results and medical information to third parties without the employee's consent, under certain circumstances spelled out in the rule.
- Under §40.327(b), a physician responsible for determining the medical qualifications of an employee under an applicable DOT agency safety regulation is a party to whom the MRO is instructed to provide this information.
- Consequently, if an MRO knows the identity of such a physician – even if the physician performs this function for a different employer – the MRO would provide the information. The MRO is not required to affirmatively seek out such physicians, however.