

## **Subpart F - Drug Testing Laboratories**

### **§ 40.101 What relationship may a laboratory have with an MRO?**

(a) As a laboratory, you may not enter into any relationship with an MRO that creates a conflict of interest or the appearance of a conflict of interest with the MRO's responsibilities for the employer. You may not derive any financial benefit by having an employer use a specific MRO.

(b) The following are examples of relationships between laboratories and MROs that the Department regards as creating conflicts of interest, or the appearance of such conflicts. This following list of examples is not intended to be exclusive or exhaustive:

- (1) The laboratory employs an MRO who reviews test results produced by the laboratory;
- (2) The laboratory has a contract or retainer with the MRO for the review of test results produced by the laboratory;
- (3) The laboratory designates which MRO the employer is to use, gives the employer a slate of MROs from which to choose, or recommends certain MROs;
- (4) The laboratory gives the employer a discount or other incentive to use a particular MRO;
- (5) The laboratory has its place of business co-located with that of an MRO or MRO staff who review test results produced by the laboratory; or
- (6) The laboratory permits an MRO, or an MRO's organization, to have a financial interest in the laboratory.