

# North Carolina Controlled Substance Examination Regulation Act (CSERA)

## INITIAL NOTICE TO APPLICANTS AND EMPLOYEES WHEN SUBMITTING TO DRUG TESTING IN NORTH CAROLINA

In accordance with 13 NCAC 20.0401, this notice explains your rights and responsibilities under the CSERA and associated administrative regulations.

Under the CSERA, you have the following rights and responsibilities:

- All drug tests for employees, and confirmation tests for applicants, will be performed at laboratories that have been certified either by the U.S. Department of Health and Human Services, or by the College of American Pathologists.
- All positive drug tests will be confirmed by gas chromatography/mass spectrometry, or an equivalent methodology.
- Proper chain-of-custody procedures will be maintained.
- Positive drug test specimens will be preserved by the laboratory that conducts the confirmatory test for at least 90 days from the time the positive result is mailed to the employer.
- Applicants and employees who test positive will receive notification of the positive test result within 30 days after the results are mailed or delivered to the employer.
- Applicants and employees who test positive have the right to request a confirmatory re-test of the original specimen at the same or another DHHS- or CAP-certified laboratory, and will receive notice, in writing, that they have such a right.
- Applicants and employees who request a confirmatory re-test must pay all reasonable expenses associated with such tests, including: the actual cost of the confirmatory re-test charged by the laboratory; laboratory expenses, including chain of custody procedures and shipping; the employer's expenses to comply with chain of custody procedures relating to the confirmatory re-test (not to exceed \$15.00 unless the employer can prove the actual expenses exceed \$15.00); and, the employer's actual shipping expenses, if any.
- All information pertaining to drug test results, medical histories and lawful prescription drug use will be kept confidential. Such information only may be disclosed to: (a) the applicant or employee; (b) any other person if authorized, in writing, by the applicant or employee; (c) laboratories performing the tests; (d) the employer; or, (e) a government agency, court or other tribunal having jurisdiction over any claim or proceeding involving the applicant or employee and the employer.

