



This column is part of a series of monthly columns focused on the future of the screening industry and is specifically geared toward the future and growth of occupational health, wellness, and retention in the workplace. Join us each month as we tackle topics that help you and your organization thrive.

## Words Matter

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Drug testing and the terminology used in the screening industry, have always been a bit confusing. Take for example a “5 panel” drug test. The 5-panel drug test is for more than five drugs when you consider each of the drugs in the tested classes. In drug testing, a positive result is a negative outcome, and a negative result is a positive outcome. Confused? That is just the tip of the iceberg. Even the pronunciation of terms is confusing. The Department of Transportation is referred to as the D-O-T, never “dot,” however we have Substance Abuse Professionals that are known as “saps”, not S-A-Ps. We have the FAA (F-A-A), the FMC-SA (F-M-C-S-A), HHS (H-H-S) but then PHMSA and SAMHSA are pronounced differently - PIM-sha and SAM-sha. Although confusing to people just entering the industry, these peculiarities are widely accepted and universally used. Words matter and if someone inadvertently uses them incorrectly, it instantly exposes a lack of industry tenure.

This brings me to ask – have we been doing all of this for so long that we have developed a “that is just how it is done” attitude? As we consider innovation in the market, isn’t it time to rethink the words we use and their impact? Let’s look at how some common terms are used currently and consider if it is time for innovation.

**IMPAIRMENT.** Although most understand the word’s meaning, its relationship to workplace drug and alcohol testing is often misunderstood. Workplace drug testing has never been a measure of workplace impairment. Testing provides an objective measure of the presence or absence of a drug or its metabolites in a bodily specimen. Cannabis laws legalizing recreational and/or medical cannabis in many states now require proof of impairment. Impairment identification has historically been through observation of physical, behavioral, and physiological signs and are, to a large degree, subjective. Alcohol testing helps by using breath, saliva, and blood test levels that, when combined with the subjective signs may indicate impairment. New technologies that identify impairment provide an objective way for employers and law enforcement to identify impairment. There are several in the market including simple to use

mobile-based applications that identify impairment including the DRUID app. Much like a thermometer the app identifies impairment from any cause and when coupled with drug and alcohol testing can be part of documenting an objective measure impairment especially in those states where impairment identification is now a requirement for continued testing of cannabis.

**REASONABLE SUSPICION.** The term reasonable suspicion, taken from the DOT regulations, created the industry standard that is used in both regulated and non-regulated testing programs. The DOT requires this terminology and the use as a reason for test as well as when referencing the reasonable suspicion form and/or assessment. However, non-regulated testing programs should rethink this language considering today’s social norms. Reasonable suspicion has negative connotations. It implies that there is a problem. Merriam-webster states that it is “an objectively justifiable suspicion that is based on specific facts or circumstances and that justifies stopping and sometimes searching (as by frisking) a person thought to be involved in criminal activity at the time.”

As the industry looks forward, replacing “reasonable suspicion” with “wellness assessment” or “safety assessment” is a subtle way of reframing workplace testing programs in a positive light. Of the estimated 52 million laboratory-based workplace drug tests performed annually, approximately 9 million are regulated tests. Change in regulated testing is a complex and time-consuming effort. In non-regulated testing, language that supports retention and wellness and aligns with recovery supportive workplaces that are inclusive, value organizational culture, and increase employee retention is as important as we work to realign workplace testing to broader organizational health.

**SAFETY SENSITIVE.** This one may seem simple, however, if asked, most people’s definitions would vary. Some think of the Department of Transportation’s definition of safety sensitive positions but rarely consider that for non-covered positions, the definition varies from state to state. “New Mexico defines a ‘safety-sensitive position’ as ‘a position in which performance by a person under the influence of drugs or alcohol would

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constitute an immediate or direct threat of injury or death to that person or another'. Oklahoma defines such roles as "any job that includes tasks or duties that the employer reasonably believes could affect the safety and health of the employee performing the task," such as dispensing pharmaceuticals, carrying a firearm or handling hazardous materials. In Pennsylvania, medical marijuana patients are prohibited from performing employment duties in small, confined spaces or at great heights and can be prohibited by their employer 'from performing any duty which could result in a public health or safety risk while under the influence of medical marijuana."

To start, employers should assess safety-sensitive positions by individual job function and not general groups of employees or jobs. For now, this advice is the safest but as we lean into innovation in workplace testing, we need to consider how a narrow definition of safety sensitive leads to inequities. Is the information security team who has access to personally identifying information not safety sensitive? How about financial security? Shareholder value and corporate profitability? Reestablishing what safety sensitive means in today's employment landscape and advocating for a broader definition must be considered.

**SUBSTANCE ABUSE PROFESSIONAL.** The Office of Drug and Alcohol Policy & Compliance states that a "Substance Abuse Professional (SAP) is a person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare" . Again, we have built the industry terminology around the regulated testing world and continue to be confined to it in the non-regulated testing world. As we look forward, mental health professionals, substance USE professionals and just simply health professionals seem a better term to define what many SAPs do – evaluate each person to make a clinical assessment to determine a path to resolve issues or problems related to drug and/or alcohol use. As part of that determination, SAP creates a treatment plan and is a part of the team who reviews compliance with that plan. The key distinction is that drug and alcohol use at work is not always indicative of abuse – it may simply be indicative of use. The SAP assessment is a critical part of determining if USE may be leading to ABUSE and their clinical assessment and intervention can be a prevention effort. As an employer or insurer, the use of a "substance use professional" removes the stigma associated with the term abuse. This may be the very first wake up call for an employee performing any job function, safety sensitive or not, that the choice to violate their organization's drug and alcohol policy is a warning sign that they should heed. This is a subtle change but one that is important as we look to expand the use of workplace drug and alcohol testing in the non-regulated employment setting. This is a first step into an expanded recovery supportive workplace that is both socially responsible and a financially sound approach for employers.

**MARIJUANA.** The term marijuana comes from the Mexican Spanish word "marihuana". It is slang that has been adapted in English and other languages for cannabis and is similar to using the terms weed or pot. Cannabis is a term that regards the cannabis plant in the Cannabaceae (hemp) family. Cannabis refers to the plants of the Cannabis Sativa L plant. Within this species, there are three types of the cannabis plant, including Cannabis Sativa, Cannabis Indica, Cannabis Ruderalis. And while the two terms are often used to describe the same thing, cannabis describes the cannabis plant and products in general while marijuana specifically refers to cannabis products that are made from the dried flowers, leaves, stems, and seeds of the cannabis plant. The cannabis plant contains more than 100 compounds (or cannabinoids). These compounds include tetrahydrocannabinol (THC), which is impairing or mind-altering, as well as other active compounds, such as cannabidiol (CBD). So, while we do not need to advocate for a wholesale change – understanding the words, their use in testing and law is critical as we navigate the complexities of use.

Words matter. As an industry, our understanding, use and evolution of terminology matters too. Innovation requires change. Sometimes subtle, sometimes bold but always important as we move our industry forward.

#### ABOUT THE AUTHOR



Nina M. French is the Founding Partner of Inflection Point Consulting Group, LLC. She has more than 30 years of experience in the employee screening industry and a deep understanding of drug testing program design, policies, state laws, federal regulations, product development and supporting technologies. In addition to executive leadership roles both at one of the largest Third-Party Administrators in the industry and a product innovation firm, Nina has served as a board member of DATIA, and industry advisor to TPAs and CRAs across the country in her consulting practice.

Nina frequently speaks at conferences and regularly contributes to the thought leadership of the drug and alcohol testing industry. She is widely published and is featured on podcasts, interviews and publications in safety, drug testing, and human resources.

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