

1 10A NCAC 73A .0102 has been adopted with changes as published in 29:16 NCR page 1937 as follows:

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3 **10A NCAC 73A .0102 DEFINITIONS**

4 The following definitions apply to this Chapter:

5 (1) "Controlled substance" means ~~a drug, substance or immediate precursor~~ as defined by in G.S. 90-87(5).

6 (2) "Drug test" means the production and submission of a biochemical assay by an applicant or recipient  
7 for chemical analysis to detect illegal use of drugs. Such chemical analysis shall meet the requirements of  
8 the Controlled Substance Examination Regulation Act, Chapter 95, Article 20 of the General Statute.

9 (3) "Illegal use of ~~drugs~~ controlled substances" means the ~~unlawful~~ violation of State or federal law for use  
10 ~~of controlled substances. the drugs set forth in Rule .0103 of this Section.~~

11 (4) ~~"Intentional Program Violation" means any action by a Work First applicant or recipient to knowingly,~~  
12 ~~willfully, and with deceitful intent, make a verbal or written false statement to obtain or attempt to obtain~~  
13 ~~benefits for which they are not eligible, or hide or withhold information to obtain benefits for which they~~  
14 ~~are not eligible.~~

15 (4)(5) "Reasonable suspicion" means a sufficient basis to believe that the applicant or recipient is engaged  
16 in the illegal use of a controlled substance ~~may have occurred~~, and such reasonable suspicion shall be  
17 established only by one of the following:

18 (a) a score of three (3) or above on the verbal screening questionnaire, the Drug Abuse  
19 Screening Test (DAST-10), or

20 (b) a criminal conviction relating to an illegal controlled substance within the past three  
21 years.

22 (5)(6) "Substance use screening" means ~~a verbal questionnaire~~ utilizing the DAST-10 approved by the  
23 ~~Division of Social Services~~ to determine a potential for a substance use disorder.

24 (6)(7) "Applicant or recipient" for the purposes of drug testing means as defined in G.S. 108A-29.1(a).  
25 ~~shall not mean:~~

26 ~~—— (a) —— a child only case, or~~

27 ~~—— (b) —— a dependent child under age 18.~~

28  
29 *History Note: Authority G.S. 108A-29.1; 143B-153;*

30 *Eff. June 1, 2015.*

1 10A NCAC 73A .0103 has been adopted with changes as published in 29:16 NCR page 1937 as follows:

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3 **10A NCAC 73A .0103 DRUG TESTING**

4 The county director shall require a basic five panel drug test for applicants and recipients of Work First  
5 Family Assistance where there is a reasonable suspicion the applicant or recipient is engaged in the illegal  
6 use of controlled substances. The drug test shall identify the illegal use of the following controlled  
7 substances:

- 8 (1) cannabinoids;  
9 (2) cocaine;  
10 (3) ~~methamphetamines/amphetamines;~~ methamphetamines or amphetamines;  
11 (4) opiates; and  
12 (5) phencyclidine.

13  
14 *History Note: Authority G.S. 108A-29.1; 143B-153;*  
15 *Eff. June 1, 2015.*  
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1 10A NCAC 73A .0104 has been adopted with changes as published in 29:16 NCR page 1937 as follows:

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3 **10A NCAC 73A .0104 DRUG TESTING REQUIREMENTS**

4 (a) The Drug Abuse Screening Test (DAST-10) shall be completed by an applicant or recipient as a  
5 condition of eligibility for the Work First program. ~~program by the following:~~

6 (1) ~~an applicant or recipient of the Work First Program; or~~

7 (2) ~~an applicant or recipient, who has been previously disqualified because of an Intentional~~  
8 ~~Program Violation.~~

9 (b) If the applicant or recipient refuses to complete the ~~DAST-10~~ DAST-10, the applicant or recipient  
10 ~~entire household unit~~ shall be ineligible for cash assistance.

11 (c) If reasonable suspicion of illegal use of controlled substances exists, the ~~individual~~ applicant or  
12 recipient shall submit to a drug test at the Division of Social Services' expense with the Division of Social  
13 Services' contracted vendor, as required by G.S. 108A-29.1.

14 (d) If an applicant or recipient declines to submit to the drug test or fails to complete the drug ~~test~~ test, the  
15 applicant or recipient ~~entire household unit~~ shall be ineligible for cash assistance.

16 (e) ~~If there is evidence that~~ an applicant or recipient substitutes, ~~adulterates~~ adulterates, or tampers with the  
17 drug ~~testing~~ testing, the applicant or recipient ~~entire household unit~~ shall be ineligible for cash assistance.

18  
19 *History Note: Authority G.S. 108A-29.1; 143B-153;*

20 *Eff. June 1, 2015.*

1 10A NCAC 73A .0105 has been adopted with changes as published in 29:16 NCR page 1938 as follows:

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3 **10A NCAC 73A .0105    TECHNIQUES AND METHODS**

4 (a) The analysis of drug test specimens shall be conducted by a laboratory licensed by the NC Department  
5 of Health and Human Services and certified by the Substance Abuse and Mental Health Services  
6 Administration (SAMHSA). Licensed and certified laboratories are listed in the Federal Register, which is  
7 incorporated by reference, including subsequent amendments and editions and at  
8 <http://www.samhsa.gov/workplace/lab-list>, which is incorporated by reference, including subsequent  
9 amendments and editions.

10 (b) Controlled substances or metabolites of a controlled substance shall be tested and analyzed using  
11 approved analytical techniques or methods, as follows:

- 12           (1)       immunoassay;  
13           (2)       thin-layer chromatography;  
14           (3)       gas chromatography;  
15           (4)       mass spectroscopy;  
16           (5)       high performance liquid chromatography; or  
17           (6)       spectroscopy.

18 (c) Results of the drug test analysis shall be expressed as equivalent to nanograms by weight of a controlled  
19 substance or metabolite, or a controlled substance per milliliter.

20 (d) The drug test threshold values shall meet the cutoff levels contained in the Mandatory Guidelines for  
21 Federal Workplace Drug Testing Programs as adopted by SAMHSA and identified in the chart ~~below.~~  
22 below:  
23

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana Metabolites	50 ng/mL	THCA1	15 ng/mL
Cocaine Metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Amphetamines AMP/MAMP	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL
Opiate Metabolites Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL

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25 ~~All confirmatory positive test results shall be reviewed by a Medical Review Officer.~~

26  
27 *History Note:     Authority G.S. 108A-29.1; 143B-153;*  
28 *Eff. June 1, 2015.*

1 10A NCAC 73A .0106 has been adopted with changes as published in 29:16 NCR page 1938 as follows:

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3 **10A NCAC 73A .0106 CONFIDENTIALITY**

4 (a) A drug test given under this Section shall be confidential and consistent with the HIPAA Privacy Rule  
5 appearing in 45 CFR ~~Sections 160~~ Parts 160, et seq., which is incorporated by reference, including  
6 subsequent amendments and editions, and State Law.

7 (b) The drug test results, medical history, or medications taken by the ~~individual~~ applicant or recipient  
8 shall be a confidential record unless its disclosure is otherwise authorized by law or by written consent  
9 from the applicant or recipient.

10 (c) The county departments of social services shall implement administrative, ~~physical~~ physical, and  
11 technical safeguards to maintain confidentiality ~~avoid unauthorized use or disclosure~~ of drug test results.

12  
13 *History Note:* Authority G.S. 108A-29.1; 143B-153;  
14 Eff. June 1, 2015.

1 10A NCAC 73A .0107 has been adopted with changes as published in 29:16 NCR page 1938 as follows:

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3 **10A NCAC 73A .0107 REASONABLE ACCOMODATION**

4 (a) Reasonable accommodations shall be provided to allow ~~individual applicant or recipient~~ with  
5 disabilities to comply with the drug testing requirement in accordance with the American Disability Act of  
6 1990, as amended in 2008 (~~P.L. 110-328~~), (P.L. 110-325), which is incorporated by reference, including  
7 subsequent amendments and editions.

8 (b) An ~~individual applicant or recipient~~ who fails to complete the drug test ~~within twelve (12) business~~  
9 ~~days of the referral date~~ and provides documentation of an incapacity ~~may receive additional time~~ shall  
10 have until the application processing timeframe ends to complete the drug test.

11  
12 *History Note: Authority G.S. 108A-29.1; 143B-153;*

13 *Eff. July 1, 2015.*

1 10A NCAC 73A .0108 has been adopted with changes as published in 29:16 NCR page 1938 as follows:

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3 **10A NCAC 73A .0108 NOTICES**

4 (a) At application and at redetermination of eligibility for cash assistance, each ~~household~~ applicant or recipient  
5 ~~shall receive notice of the rights and responsibilities, and consequences for drug testing.~~ rights and responsibilities,  
6 hearing and appeal rights, and conditions for a retest.

7 (b) At the time of testing and upon receipt of a confirmed positive drug test result, the ~~individual applicant or~~  
8 ~~recipient shall be notified of the rights and responsibilities and consequences for a retest.~~ recipient shall receive notice of rights and  
9 responsibilities, hearing and appeal rights, and conditions for a retest.

10 (c) Upon receipt of a confirmed positive test result, the county department of social services shall refer the  
11 ~~individual applicant or recipient to a qualified professional in substance abuse~~ “qualified professional in substance  
12 abuse” as defined in Rule 10A NCAC 27G .0104(19). .0104(19), which is incorporated by reference, including  
13 subsequent amendments and editions.

14  
15 *History Note: Authority G.S. 108A-29.1; 108A-79; 143B-153;*  
16 *Eff. July 1, 2015.*