IMPLEMENTING GUIDELINES OF ADMINISTRATIVE ORDER NO. BGC-AO-001 RE: RULES AND REGULATIONS IN THE IMPLEMENTATION OF THE DRUG TESTING OF PROFESSIONAL DRIVER'S LICENSE HOLDERS/APPLI...

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SECTION I. Introduction . — In consonance to the directive of the President to ensure road safety in the Philippines and pursuant to AO No. BGC-AO-001 and Republic Act No. 4136, section 22 as amended by Batas Pambansa Blg. 398 which states that, "every person who desires to operate any motor vehicle shall file an application to the Director or his deputies for a license to drive motor vehicles; provided however, that no person shall be issued a professional driver's license who is suffering from contagious diseases such as tuberculosis, sexually transmitted disease and epilepsy or who is an alcohol or drug addict or dependent", the following rules and regulations shall be observed:

SECTION II. Definition of Terms. —

a. Drug — a Methamphetamine (shabu), Cannabinoids (marijuana).
b. Drug test — any chemical, biological or physical instrument analysis administered by a laboratory for the purpose of determining the presence or absence of a drug or its metabolite.
c. Methamphetamine (Shabu) — are synthetic amphetamines or stimulant that are produced and sold illegally in pill form, capsules, powder and chunks. Two such Methamphetamine are chunks and ice.
d. Cannabinoids — hemp like plant whose leaves are smoked in cigarettes as a narcotic.
e. LTO — Land Transportation Office
f. NCR — National Capital Region
g. Application Fee — shall mean the amount to be collected upon filing an application for accreditation.
h. Accreditation Permit — shall mean the authority granted by the Dangerous Drugs Board (DDB) and Land Transportation Office (LTO) to be able to transact business relative to drug testing.
i. DDB — Dangerous Drugs Board
j. Chain of Custody — refers to the procedure established by the testing laboratory for the handling of specimens. It ensures that sample identification and integrity are maintained. It also accounts for the integrity of each specimen by tracking its handling and storage from specimen collection to final disposition of the specimen.

SECTION III. Accreditation of Drug Laboratories . —

A. Drug Testing Laboratory. — LTO adopt the laboratory classification of the DDB such as:

1. CLASS A LABORATORIES — are those that are capable of performing with competence screening, confirmatory tests and the quantitative examinations of dangerous drugs in the body fluids. This class of laboratory must have all the analytical instruments, equipment, glasswares, materials and reagents that are necessary for screening, confirmatory and quantitative examinations of dangerous drugs in the body fluids.

2. CLASS B LABORATORIES — are those that are capable of performing with competence screening and confirmatory of dangerous drugs in the body fluids. This class of laboratory shall collaborate with a licensed class A private or government laboratory whereby the latter undertakes to conduct further confirmatory test of

specimens tested by the former if necessary.

3. CLASS C LABORATORIES — are those which are capable of performing with competence, screening examinations of dangerous drugs in the body fluids. The laboratories shall collaborate with a Class A or B laboratory for the confirmation of their positive findings in the body fluids, if necessary. This class of laboratory shall have the necessary instruments, equipment, glasswares, reagents and materials for the analysis and identification of dangerous drugs in the body fluids.

B. Procedure

In applying for accreditation of laboratory for drug tests, the following steps shall be followed:

B.1 The application is open to all applicants for Drug Screening Test, provided it has already set-up a private or government Class "A" or "B" Confirmatory Laboratory. The applicant shall submit a duly accomplished application form, together with the documentary requirements hereinafter set forth, to the LTO Committee on Accreditation of Drug Testing Laboratories.

The screening testing (Class "C") Center should be located within the 100-200 meter radius from the LTO Licensing Office, for the convenience of the driver applying/renewing for a professional license.

Participants to the LTO-Drug Testing Program must set up their own confirmatory laboratory and shall be required to put up drug screening centers in all LTO Licensing Centers nationwide and not only in "selected or juicy area".

That drivers found positive of drugs abuse shall automatically be subjected to Confirmatory Testing, using the same urine specimen. The cost of Confirmatory Testing shall be shouldered by the Drug Screening Testing Center concerned, if sent to a private confirmatory laboratory.

Upon filing of the application for accreditation, an application fee shall be collected hereinafter set forth.

In case of the National Capital Region (NCR), applications shall be filed at Medical Unit, LTO Central Office, East Avenue, Quezon City for evaluation, inspection and recommendation, while in case of other regions of the country, application shall be filed at the LTO Regional Office where the concerned laboratory operates. Thereafter, the Regional Office is directed to conduct ocular inspection of the laboratory in accordance with DDB and LTO's requirements for evaluation and subsequent recommendation to the LTO Central Office's Committee on Accreditation.

B.2 The Committee on Accreditation shall be created with the following duties and responsibilities:

1. Evaluates the applications, conducts ocular inspection of the laboratory, facilities and equipment and recommends approval or disapproval of application to the LTO Assistant Secretary depending upon the result of evaluation.

2. See to it that the drug testing laboratories operate at all times in accordance with the terms and conditions of the registration and accreditation.

3. Provide proper interpretation of the given and specific requirements that shall govern the operations of the laboratory.

4. See to it that the technical demands involved in laboratory work are met.

5. Conduct surprise/periodic inspection of the accredited laboratory to ensure its effectiveness.

6. Perform such other duties as may be assigned to it.

B.3 The Assistant Secretary may approve the application and issue an accreditation permit or disapprove the

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same.

Upon approval of the application, an accreditation fee shall be collected hereinafter set forth.

C. Renewal of Accreditation:

The renewal of Accreditation shall be filed, processed and approved at the LTO Central Office subject to the fees provided in Section VIII hereof or fees which the LTO may adopt from time to time. Likewise, the medical unit, LTO Central Office, will ask from DDB a list of updated accredited laboratories.

C.1 The applicant shall present its latest Accreditation permit and the corresponding official receipt to LTO Central Office.

C.2 In securing the renewed accreditation permit, the accredited laboratory must submit a valid and appropriate mayor's permit.

SECTION IV. Documentary Requirements: —

I. The following documents shall be submitted upon filing an application for accreditation/authorization:

a. Certificate of Accreditation of the laboratory from DDB, duly signed by the Executive Director of the Board and Chairman of the Accreditation Committee.

b. Certification from the Dangerous Drugs Board (DDB) authorizing the laboratory director/physician to conduct drug testing;

c. Certification from the Dangerous Drugs Board to a certified physician;

d. A license of the laboratory director from the Professional Regulation Commission as a medical doctor or doctor of osteopathy;

e. Certificate of training of the licensed Medical Technologist provided by the company supplying the said machine;

f. Samples of chain of custody forms and procedures;

g. Certificate of Business Name Registration from the Department of Trade and Industry (DTI), if single proprietorship;

h. Securities and Exchange Commission (SEC) Certificate of Registration and Articles of Incorporation and By-laws, if corporation and partnership;

i. Valid and appropriate mayor's permit;

j. Tax Identification Number (TIN) from the Bureau of Internal Revenue (BIR) in case business has been operating for less than one year;

k. Latest Income Tax Return;

l. Certificate of business membership with the Social Security System (SSS);

m. Specimen signatures of accredited physicians, Medical Technologists who are authorized to sign the certificates.

n. Schematic floor plan of the laboratory indicating its size and the location of the testing equipment.

SECTION V. Technical Requirements : —

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The drug testing laboratories should meet the requirements of the DDB for accreditation. In addition to the requirements of DDB, LTO shall require the following:

1. Specimen signatures of the authorized certified signatories;

2. Certificates made of security paper with security markings to prevent faking of certificates.

SECTION VI. Reporting System . — All accredited laboratory managers shall make a periodic report on the results of the drug test that was conducted, to the Central Office or LTO Regional Offices, as the case may be. For drug test, it shall be identified on the report, the drug that was tested for, Methamphetamine or Cannabinoids, and whether positive or negative. The test results shall be treated confidential.

SECTION VII. Interpretation of Results : —

1. Results will be printed individually or altogether in one official form with seal.

2. Those who turned out to be positive in the screening/initial test, their samples shall be sent to the Class A Confirmatory Laboratory of the concerned Screening Testing Center for confirmation at no cost to the driver. However, the driver found positive of drugs may request that the sample be sent to DDB, NBI, or PNP Crime Laboratory, and the cost shall be shouldered by the driver. The subject sample shall be submitted within fifteen (15) days after collection.

3. As confirmed by the Class A Confirmatory Laboratory or the DDB or PNP Crime Laboratory or NBI, the concerned accredited physician shall subject positive individual to clinical evaluation as basis for appropriate management.

SECTION VIII. Fees. — A filing fee in the amount of five hundred pesos (Php 500.00) shall be collected upon the filing of application for accreditation and Accreditation Fee in the amount of two thousand five hundred pesos (Php 2,500.00) for Class “A”; two thousand pesos (Php 2,000.00) for Class “B” and one thousand five hundred (Php 1,500.00) for Class “C”.

SECTION IX. Validity . — The Accreditation Permit approved and granted by the Assistant Secretary of LTO shall be valid for one (1) year starting January 1 to December 31 of any given year, provided any original permit issued during this period shall be valid only up to December 31 of any given year. Renewal of permits shall be on or before the last working day of the year. Such renewal permit shall be valid for the next succeeding year.

SECTION X. Penal Provisions . — The Accredited Laboratory director/physician shall be penalized with an administrative fine in the amount of ten thousand pesos (Php 10,000.00) for Class “A” and “B” and five thousand pesos (Php 5,000.00) for Class “C” for the first offense, one (1) year suspension and a fine of fifteen thousand pesos (Php 15,000.00) for Class “A” and “B” and ten thousand pesos (Php 10,000.00) for Class “C” for the second offense, and cancellation of the accreditation permit for the third offense for the following violations:

a. Submission of anomalous report as required by law and regulations;

b. Non-compliance with the standard requirements herein provided and other laws and its implementing rules and regulations;

c. Misrepresentation in the filing of the application and/or in its operation. Any person, firm, partnership or corporation found operating as an accredited laboratory of the LTO on drug tests without an accreditation permit, shall be penalized and/or denied transactions with LTO.

SECTION XI. Performance Bond . — All drug testing laboratories (Class “A” and “B”) accredited by this Office are directed to post a bond of three hundred thousand pesos (Php 300,000.00) in cash or surety, while Class “C” shall post a bond in the amount of one hundred thousand pesos (Php 100,000.00) to answer for whatever damages

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that LTO might suffer for failure of the accredited laboratories to comply with their obligations.

All previous orders/memoranda and other issuances in conflict herewith are deemed superseded.

For guidance and strict compliance.

Adopted: 28 Nov. 2000

COMMITTEE ON ACCREDITATION:

(SGD.) GRACIANO J. TOBIAS
Chairman

(SGD.) ILONOR MADRID
Vice-Chairman

(SGD.) ANTONIO MARQUEZ
Member

(SGD.) BRENDA BASCOS
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(SGD.) BELLA SAN PEDRO
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