

**641—12.2(730) Definitions.** For the purpose of these rules, the following definitions shall apply:

“*Alcohol*” means ethanol, isopropanol, or methanol.

“*Alcohol or drug testing*” means analysis of a sample for the purpose of detecting the presence or absence of alcohol or other drugs, or their metabolites, in the sample tested.

“*CLIA*” means Clinical Laboratory Improvement Amendments of 1988.

“*CMS*” means Centers for Medicare and Medicaid Services. CMS is the federal agency responsible for implementing and administering CLIA regulations.

“*Confirmatory test*” means a test for alcohol or other drugs, or their metabolites, using a testing method as stipulated in rule 641—12.9(730), “Confirmatory testing.”

“*Department*” means the Iowa department of public health.

“*Director*” means the director of the Iowa department of public health.

“*Drug*” means a substance considered a controlled substance and included in Schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. Subsections 801 et seq.

“*Employee*” means a person in the service of an employer in this state and includes the employer and any chief executive officer, president, vice president, supervisor, manager, and officer of the employer who is actively involved in the day-to-day operations of the business.

“*Employer*” means a person, firm, company, corporation, labor organization, or employment agency, which has one or more full-time employees employed in the same business, or in or about the same establishment, under any contract of hire, express or implied, oral or written, in this state. “Employer” does not include the state, a political subdivision of the state, including a city, county, or school district, the United States, the United States Postal Service, or a Native American tribe.

“*GC/MS*” means gas chromatography/mass spectrometry.

“*Laboratory*” means a facility inside or outside the state of Iowa approved to conduct confirmatory testing of samples for the detection of alcohol or other drugs, or their metabolites.

“*Medical review officer*” means a licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by an employer’s drug or alcohol testing program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with the individual’s medical history and any other relevant biomedical information.

“*Prospective employee*” means a person who has made application, whether oral or written, to an employer to become an employee.

“*Sample*” means such sample from the human body capable of revealing the presence of alcohol or other drugs, or their metabolites. However, “sample” does not mean blood except as authorized pursuant to Iowa Code subsection 730.5(7), paragraph “l.” For the purpose of these rules, the substances determined by the department to be samples from the human body capable of accurately and reliably revealing the presence of alcohol or other drugs, or their metabolites, are urine, breath, blood, and saliva.

“*Specimen*” means a part taken from a sample to determine the character of the whole sample.

“*UHL*” means university (state) hygienic laboratory.