



Perinatal Urine Drug Testing Guidance

June 2023

IN PARTNERSHIP WITH THE



Perinatal Urine Drug Testing Guidance

Informed	Informed consent must be obtained from every person prior to testing. Obtaining informed consent involves providing the reason for testing, benefits and risks of testing, and what will be done with results.
Create	Create policies with clear, consistent conditions in which urine drug testing should be done.
Understand	Understand what substances are included in your institutions drug toxicology panel.

The Fourth Amendment

The Fourth Amendment protects individuals from unreasonable searches and seizures.

Drawing blood or requiring an individual to provide bodily fluid specimens is deemed an unreasonable search and seizure except under certain conditions.

The Fourth Amendment applies to government entities such as law enforcement and public hospitals, not private hospitals.

- However, an individual who has a specimen taken without consent or warrant/court order could bring private legal action against the entity who took the specimen for battery (for blood drawn) or potentially violating her privacy.

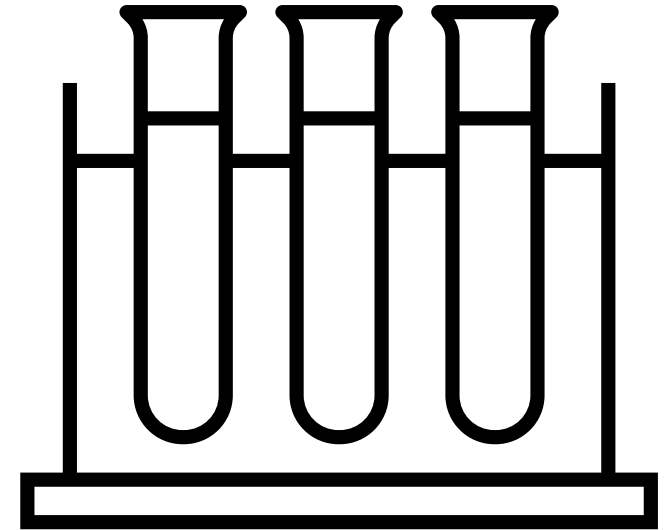


Missouri Specific Guidance

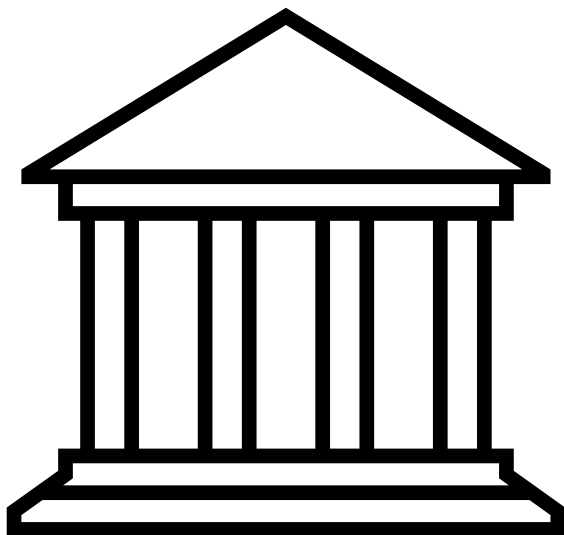
Informed consent for specimen collection (urine or blood test) is required except in cases where a warrant or court order exists

Missouri statute says implied consent is assumed when an individual is suspected of operating a motor vehicle, boat, or plane while impaired.

- An individual can refuse to provide a specimen, although penalties are associated with refusal
- If the individual refuses, law enforcement must get a warrant or court order.



Missouri Specific Guidance



When law enforcement request hospital staff to draw blood, the statute says the hospital shall draw blood with patient consent or a warrant/court order.

- The hospital may refuse to collect the specimen, despite consent or warrant/court order, if health care personnel believe the individual's life or health would be put at risk by the blood draw
 - Examples include:
 - Individual is unable to remain still and declines to allow a needle stick

Case Scenario Guidance

1

Obtaining a specimen in an emergency from an individual who is incapacitated and unable to consent is acceptable if those results will inform treatment.

2

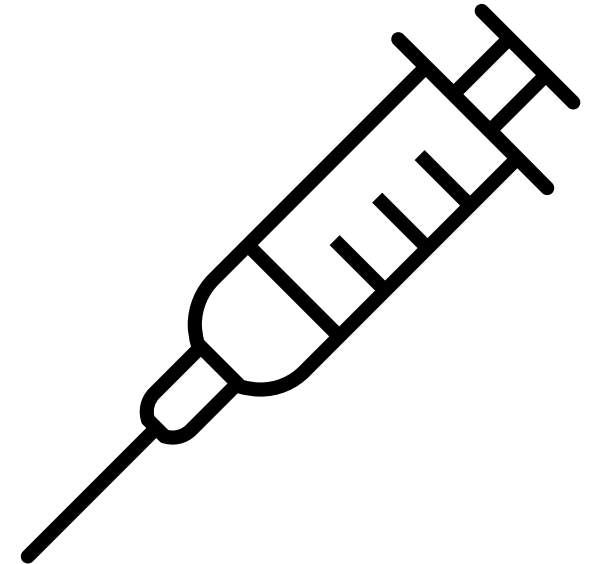
Obtaining a specimen on a birthing individual who used illegal substances and reporting the individual to social service agency for possible neglect would fall under the Fourth Amendment.

Guidance on Timing of Urine Drug Testing Sampling

Timing of sample should be observed in relation to timing of intrapartum pain medication administration.

Fentanyl can cause false positive opioid results

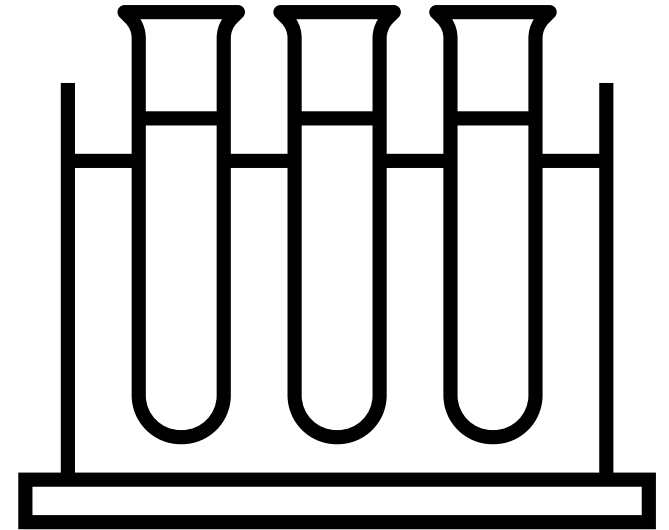
Ephedrine and vasopressin can cause false positive amphetamine results



Perinatal Urine Drug Testing Limitations

Some limitations of urine drug testing include:

- Some substances may not be identified (i.e. synthetic opioids and designer drugs)
- Urine drug testing does not indicate severity or duration of use
- Urine drug testing is time limited. Results only indicate current or recent use and depend on the half-life of the substances.
- Infrequent substance use cannot be determined by a negative result
- Positive results do not indicate SUD



Disparities created by Non-Standardized Process



People of color are tested more often than their white counterparts, though substance use is found across all races and ethnicities.

“Inadequate prenatal care” is an outdated indication for urine drug testing due to SDOH challenges which may exacerbate health disparities.



Standardized Principles for Urine Drug Testing



Develop policies with specific requirements for testing

Actions, such as demonstrating severe intoxication, are better cues for testing than risk factors



Provide education to all care team members



Conduct regular audits to confirm requirements for testing are reliably implemented across populations and settings



Use non-stigmatizing language and refrain from intimidation when obtaining consent

People have the right to refuse to consent

Resources

[CMQCC NAS toolkit](#)

[The Fourth Amendment to the Constitution](#)

[Missouri Statute Section 577.029, RSMo](#)

[How States Handle Drug Use During Pregnancy](#)

[Urine Drug Screening in Labor and Delivery](#)

[Informed Consent on Pregnant Patients](#)

[Elements and process of Informed Consent](#)

[Supreme Court Ruling on Urine Drug Screening in Pregnant Women](#)

[ACOG's Policy Statement on Urine Drug Testing](#)

[SAMHSA Advisory: Evidence-Based, Whole Person Care of Pregnant People who have Opioid Use Disorder](#)

Consent Form Examples

Women's Medical Center Prenatal Care Consent Form

Hartford Hospital Women's Health Services Consent
for Urine Drug Screening

Model Informed Consent: Screening & Testing for
Controlled or Addictive Substances in Pregnancy