

**RULES  
OF  
THE TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES  
OFFICE OF CHILD SAFETY**

**CHAPTER 0250-07-02  
DRUG SCREENING FOR INDIVIDUALS RECEIVING SERVICES FROM THE DEPARTMENT OF  
CHILDREN'S SERVICES**

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**0250-07-02-.01 DEFINITIONS.**

- (1) "Adulteration" means to invalidate a specimen by adding another substance (e.g. adding water or a chemical to the specimen; tampering).
- (2) "Chain of Custody" means the action of documenting the collection, management, and storage of a specimen from the moment the individual provides the specimen to the final destination of the specimen and the review and reporting of the final test result.
- (3) "Confirmatory Screening" means a second analytical procedure to identify the presence of alcohol or a specific drug or its metabolites in a specimen.
- (4) "DCS" or "Department" means the Tennessee Department of Children's Services.
- (5) "Direct Observation" means the visualization by the person administering a urine drug screen of the urine stream leaving the body of the individual and entering the screen cup.
- (6) "Drug Metabolite" means the byproduct of the human body breaking down or metabolizing a drug into a different substance.
- (7) "Drug Screening" means the use of various biologic sources to identify the presence of one (1) or more drugs of use.
- (8) "Drug Testing" means a technical analysis of a biological specimen to determine the presence or absence of specified parent drugs or their metabolites.
- (9) "Indirect Observation" means presence of the person administering a drug screen in the immediate area, balancing the need for privacy against prudent measures for prevention of adulteration or substitution of samples.
- (10) "Individual" means a person receiving or participating in non-custodial, in-home, and/or custodial services with DCS.
- (11) "Reasonable Suspicion" means a belief based on specific, objective, articulable facts and the reasonable inferences that may be drawn from those facts, or knowledge sufficient under the circumstances to cause an ordinary prudent and cautious person to believe the existence of a fact or condition.
- (12) "Specimen" means a biological sample used for drug testing purposes, including, but not limited to, urine, hair, blood, breath, meconium, sweat, and/or oral fluid/saliva.

(Rule 0250-07-02-.01, continued)

- (13) "Substance Use Assessment" means a preliminary systematic screening to evaluate the likelihood that an individual is abusing or misusing substances or has a substance use disorder. Screening is used to identify whether formal assessment by a licensed behavioral health clinician is necessary. Screening is intended to identify individuals at risk for or actually experiencing harm associated with the use of alcohol and/or drugs. Any DCS employee with appropriate training can administer a drug screen.

**Authority:** T.C.A. §§ 37-1-406, 37-5-105, and 37-5-106. **Administrative History:** New rules filed June 13, 2023; effective September 11, 2023.

**0250-07-02-.02 REASONABLE SUSPICION AND REQUEST FOR DRUG SCREENS.**

- (1) DCS employees may request a drug screen from an individual when reasonable suspicion of alcohol abuse, illegal drug use, or abuse of legal drugs exists. Examples of reasonable suspicion include, but are not limited to:
- (a) A DCS employee witnesses observable behavior such as direct observation of drug use or alcohol abuse, possession of a drug or underage possession of alcohol, or the physical symptoms of being under the influence of a drug or alcohol;
  - (b) The individual exhibits a pattern of abnormal conduct or erratic behavior;
  - (c) The individual is a suspect or has been convicted in a criminal investigation involving drug possession, drug use, drug distribution/trafficking, or alcohol abuse or has been recently arrested for a drug-related charge or charge involving the abuse of alcohol;
  - (d) A DCS employee learns information indicating the individual may have tampered with a drug or alcohol screen on an open or recent case;
  - (e) The individual has drug paraphernalia in his or her possession or in the home;
  - (f) A DCS employee has reason to believe that the individual is enabling drug use or alcohol abuse;
  - (g) The individual's social media contains evidence suggestive of alcohol abuse or drug use (e.g., pictures of individuals appearing intoxicated); or
  - (h) A DCS employee receives information, from a reliable and credible source or that is independently corroborated, that the individual is using drugs or abusing alcohol or that any of the above-listed factors exist.
- (2) DCS employees may request a drug screen from a household member of an individual when reasonable suspicion of alcohol abuse, illegal drug use, or abuse of legal drugs exists, and the household member is known or suspected to be a caregiver or has unsupervised access to the child.
- (3) DCS employees may request a drug screen from an individual to comply with a court order.
- (4) DCS employees generally do not request a drug screen when:
- (a) The individual is already being randomly drug screened within the context of probation or substance use treatment, and both of the following are present:
    - 1. DCS has access to records of the individual's drug screens; and

(Rule 0250-07-02-.02, continued)

2. There is no reasonable suspicion the individual has recently relapsed or tampered with the screen.
- (b) The individual is receiving inpatient care (e.g., hospital, substance use treatment provider), and both of the following are present:
  1. Drug screens are provided as part of the individual's care; and
  2. DCS has access to records of the individual's drug screens.
- (c) If the DCS Child Protective Services case revealed no evidence of substance use, and the case is preparing to close as "No Services Needed" or "Unsubstantiated."
- (d) Nothing in this paragraph (4) prevents a DCS employee from conducting a drug screen on an individual if reasonable suspicion exists.

**Authority:** T.C.A. §§ 37-1-406, 37-5-105, and 37-5-106. **Administrative History:** New rules filed June 13, 2023; effective September 11, 2023.

#### **0250-07-02-.03 ADMINISTERING AND CONDUCTING DRUG SCREENS.**

- (1) When reasonable suspicion to request a drug screen of an individual or a court order requiring DCS to drug screen an individual exists, a DCS employee will attempt to administer a drug screen as soon as possible or as required by the court order.
- (2) When administering any drug screen, a DCS employee shall:
  - (a) Obtain consent for the drug screen from the individual on a form developed by DCS;
  - (b) Attempt to verify the identity of the individual being tested by requesting to see state-issued photo identification or other recognized identification, if testing an individual with whom the DCS employee is not familiar;
  - (c) Ask the individual about their drug use, including history, frequency, types of substances, and methods of use. This allows the individual the opportunity to self-disclose what the drug test results are likely to reveal. DCS employees shall further ask the individual about medical conditions, prescriptions, and use of over-the-counter drugs;
  - (d) Follow all manufacturer instructions for the individual test being used;
  - (e) Follow universal precautions when handling all specimens, including wearing disposable gloves;
  - (f) Avoid administering a drug test to an individual in front of a child or youth whenever possible and practicable; and
  - (g) Complete a form developed by DCS memorializing the results of the drug test.
- (3) When a DCS employee administers a urine drug screen (UDS), the employee shall additionally:
  - (a) Provide the individual with a non-reusable, sealed container for specimen collection;
  - (b) Examine the specimen for signs of adulteration, as evidenced through evaluation of factors including, but not limited to, one or more of the following:

(Rule 0250-07-02-.03, continued)

1. Temperature;
  2. Color or appearance;
  3. Nitrites;
  4. Oxidants;
  5. Specific Gravity;
  6. pH level; and/or
  7. Creatinine.
- (c) Ensure that when directly or indirectly observing specimen collection for a urine drug screen, the following conditions exist:
1. The individual consents to the specimen collection; or
  2. A court order requires it.
- (d) Follow a chain of custody collection method and submit a specimen for confirmatory screening when one of the following occur:
1. A drug screen will likely result in a court action;
  2. The individual submitting the specimen disputes the results in writing on a form developed by DCS;
  3. A court order requires such confirmatory screening; or
  4. A DCS supervisor has reasonable suspicion to believe the drug screening process was adulterated or otherwise inaccurate. A DCS supervisor may choose not to seek confirmatory screening if the individual with a positive drug screen has provided a clear, detailed statement of their substance use, and the statement is consistent with the results of the UDS.
  5. Nothing in this paragraph (d) shall be construed to require confirmatory screening in every instance of a positive drug screen.
- (e) Take the following additional precautions when screening in a home environment:
1. Avoid administering a drug screen to an individual in front of a child/youth whenever possible and practicable; and
  2. With appropriate consent, assess the environment where the drug screen is to be administered to ensure no medications, adulterants, or other contaminants are present.
- (f) Take the following additional precautions when screening at a DCS office or public location (e.g., a court or police precinct):
1. Avoid administering a drug screen to an individual in front of a child/youth whenever possible and practicable; and

(Rule 0250-07-02-.03, continued)

2. Display efforts to provide as much privacy as possible, for instance, by using a single restroom environment or a large restroom stall.
- (4) DCS employees shall do the following to help avoid the tampering of drug screens:
  - (a) With appropriate consent and prior to administering the screen, evaluate the immediate vicinity where the drug screen will occur. Look for chemicals or other supplies that could be used to adulterate the screen.
  - (b) If indirectly observing the drug screen, instruct the individual not to flush the commode or run water until the DCS employee has received the specimen.
- (5) After the result has been interpreted and a DCS form has been completed, the specimen and screening supplies may be discarded, barring any need to follow chain of custody collection methods.
- (6) If an individual does not provide a specimen for a urine drug screen, the individual may be offered an opportunity to provide a saliva specimen through use of an oral swab drug screening kit. These kits shall follow chain of custody collection methods and shall be submitted to a laboratory for confirmatory screening.
- (7) If an individual refuses a drug screen, the DCS employee shall document the refusal on a form developed by the Department.

**Authority:** T.C.A. §§ 37-1-406, 37-5-105, and 37-5-106. **Administrative History:** New rules filed June 13, 2023; effective September 11, 2023.

**0250-07-02-.04 TYPES OF DRUG SCREENS USED BY THE DEPARTMENT OF CHILDREN'S SERVICES.**

- (1) Four (4) types of drug screens commonly, but not exclusively, used by DCS are:
  - (a) Urine analysis;
  - (b) Hair follicle analysis;
  - (c) Saliva analysis; and
  - (d) Nail bed analysis.
- (2) Generally, drug screening with urine or saliva specimens is the most readily available and cost-effective method. Under some circumstances, including, but not limited to, suspicion of an individual tampering with drug screens or being evasive with efforts to drug screen, an alternative method of drug screening may be appropriate. Alternative methods of drug screening include, but are not limited to, the following screens:
  - (a) Hair follicle analysis;
  - (b) Fingernail bed analysis;
  - (c) Extended urine panel analysis; or
  - (d) Medical review of a drug screen.

(Rule 0250-07-02-.04, continued)

**Authority:** T.C.A. §§ 37-1-406, 37-5-105, and 37-5-106. **Administrative History:** New rules filed June 13, 2023; effective September 11, 2023.