

-----Original Message-----

From: Pearson, MSgt David (USAF) On Behalf Of Liechty, Maj. Michael (USAF)

Sent: Thursday, December 28, 2000 10:23 AM

To: DIRECTORATES; DISTRIB

Subject: IMC Message I-00-DEC-012 (IMC 15, USMEPCOM Regulation 40-8, Human Immunodeficiency Virus (HIV) and Department of Defense (DOD) Preaccession Drug and Alcohol Testing (DAT) Program, 16 July 1991)

Importance: High

UNCLASSIFIED UNCLASSIFIED UNCLASSIFIED

**IMC Message: I-00-DEC-012**

**IMC Effective Date: 01 Jan 01**

From MMD-PD

Subj IMC 15, USMEPCOM Regulation 40-8, Human Immunodeficiency Virus (HIV) and Department of Defense (DOD) Preaccession Drug and Alcohol Testing (DAT) Program, 16 July 1991

To HQ USMEPCOM Directors and Special Staff Officers  
Sector and MEPS Commanders

**1. Purpose.** This interim message change (IMC) officially adds Coast Guard drug and alcohol testing (DAT) medical processing at the military entrance processing commands (MEPSs) starting 1 January 2001.

**2. New and/or changed material.** The new and/or changed material has been annotated by the underscore/strikethrough method. File this IMC transmittal page in front of the publication until it is superseded or rescinded. Remove and/or insert the page(s) from/to USMEPCOM Regulation 40-8, 16 July 1991, as follows:

<b>Remove pages</b>	<b>Insert pages</b>
Title page through ii 1-1 through 1-6	Title page through ii 1-1 through 1-6

**Note:** These changes were made in areas changed by IMC 14, USMEPCOM Reg 40-8, published 19 May 2000.

**3. Implementation.** This IMC is released for implementation on the effective date shown above.

**4. USMEPCOM Electronic Pubs/Forms Library.** The IMC transmittal message page and its page changes will be uploaded to the USMEPCOM Intranet (MEPNET) (<https://mepnet.mepcom.army.mil>) within 72 hours after initial distribution via the Command Message System. Document names are:

40-8RI15M for the transmittal message.

40-8RI15 for the page changes.

**5. Comments/suggested improvements.** Users may submit comments and suggested improvements on Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) or by memorandum through sector to the content point of contact (POC) in paragraph 6a.

## **6. POCs.**

a. The POC for the content of this IMC is Ms. Carson at DSN 792-3680 ext. 7138 or commercial (847) 688-3680, ext. 7138.

b. The POC for electronic distribution of USMEPCOM publications and forms is Ms. Topping at DSN 792-3680 ext. 7737, commercial (847) 688-3680 ext. 7737, or e-mail [jtopping@mepcom.army.mil](mailto:jtopping@mepcom.army.mil).

\*USMEPCOM Reg 40-8

**DEPARTMENT OF DEFENSE  
HEADQUARTERS UNITED STATES MILITARY ENTRANCE PROCESSING COMMAND  
2500 GREEN BAY ROAD, NORTH CHICAGO, ILLINOIS 60064-3094**

**USMEPCOM Regulation  
No. 40-8**

**16 July 1991**

**Medical Services  
HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND DEPARTMENT OF DEFENSE (DOD)  
PREACCESSION DRUG AND ALCOHOL TESTING (DAT) PROGRAM**

**Summary.** This regulation prescribes policies and procedures for conducting HIV and DAT in the Military Entrance Processing Stations (MEPS). Changes have been made throughout the regulation. All United States military Entrance Processing Command (USMEPCOM) forms previously used in the superseded regulations have been revised. This regulation establishes a new form, USMEPCOM Form 40-8-5-R (Urine Sample Custody Document Statement of Corrections). All references to the Standard Form 88 (Report of Medical Examination) and Standard Form 93 (Report of Medical History) refer to the USMEPCOM overprinted versions.

**Applicability.** This regulation applies to all activities of the United States Military Entrance Processing Command (USMEPCOM).

**Impact on New Manning System.** This regulation does not contain information that affects the New Manning System.

**Supplementation.** Supplementation of this regulation and establishment of forms, other than USMEPCOM forms, are prohibited without prior approval from Headquarters, United States Military Entrance Processing Command (HQ USMEPCOM), ATTN: MEPCOPT-O-E, 2500 Green Bay Road, North Chicago, IL 60064-3094.

**Interim changes.** Interim changes to this regulation are not official unless they are authenticated by HQ USMEPCOM, Director, Personnel and Administration Directorate. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

**Suggested improvements.** The proponent agency of this regulation is HQ USMEPCOM. Users are invited to send comments and suggested improvements on Department of the Army (DA) Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQ USMEPCOM, ATTN: MEPCOPT-O-E, 2500 Green Bay Road, North Chicago, IL 60064-3094.

---

\*This regulation supersedes USMEPCOM Reg 40-5, 1 July 1987, and USMEPCOM Reg 40-8, 15 April 1988.

**Internal control system.** This regulation is subject to the requirements of Army Regulation (AR) 11-2. It contains internal control provisions. Appendix C contains checklists for conducting internal reviews for DAT. Appendix D contains checklists for conducting internal control reviews for HIV testing.

### Contents

	Paragraph	Page
<b>Chapter 1</b>		
<b>General</b>		
Section I		
General		
Purpose	1-1	1-1
References	1-2	1-1
Explanation of terms	1-3	1-1
Responsibilities	1-4	1-1
Policy for DAT	1-5	<del>1-2</del> <u>1-1</u>
Policy for HIV testing	1-6	<del>1-2</del> <u>1-2</u>
Timing of testing	1-7	1-3
Accepting results from other sources	1-8	1-3
Expired medical examinations	1-9	1-3
<b>Section III</b>		
<b>Testing procedures</b>		
Procedures	1-10	1-3
Drug testing procedures	1-11	<del>1-4</del> <u>1-3</u>
Disqualification periods	1-11.1	1-4
Alcohol testing procedures	1-12	<del>1-4</del> <u>1-4</u>
Alcohol dependency evaluation procedures	1-13	<del>1-4</del> <u>1-4</u>
HIV testing procedures	1-14	<del>1-4</del> <u>1-4</u>
Provisional Delayed Entry/Enlistment Program (DEP) and Reserve component enlistment	1-15	<del>1-4</del> <u>1-4</u>
<b>Section IV</b>		
<b>Exceptions to Policy, Test Reconsiderations, and Waivers</b>		
Exceptions to policy	1-16	1-5
Test reconsiderations and waivers	1-17	<del>1-6</del> <u>1-5</u>
<b>Chapter 2</b>		
<b>Preparatory Administrative Actions</b>		
Persons who will receive DAT	2-1	2-1
Persons who will receive HIV tests	2-2	2-1
Persons who may receive one test, but not the other	2-3	2-1

**Chapter 1  
General**

**Section I  
General**

**1-1. Purpose**

This regulation establishes policies, procedures, and responsibilities for conducting DAT and HIV testing at the MEPS.

**1-2. References**

Required and related publications and prescribed forms are at Appendix A.

**1-3. Explanation of terms**

Abbreviations and special terms used in this regulation are explained in the glossary.

**1-4. Responsibilities**

a. Headquarters directorates and special staff offices will keep informed of program policy and procedures and coordinate all actions through Medical Plans and Policy Directorate ~~(Program Manager)~~. Medical Plans and Policy Directorate ~~(Program Manager)~~ accomplishes the following:

(1) Provides consultation and assistance with policies and practices, as requested.

(2) Provides necessary training assistance to Sectors and MEPS.

(3) ~~Program Manager~~ The Command Surgeon represents the Command in contractual issues, policy matters, and laboratory performance matters.

b. The Command Judge Advocate reviews requests for the release of DAT and HIV results and other information to State and local authorities.

c. The Resource Management Directorate represents the command in all contractual matters.

d. The Public Affairs Officer acts as command spokesperson for all media requests and support dealing with DAT and HIV data, statistics, commander or applicant interviews, and photography.

e. Sector headquarters monitor MEPS programs for compliance with this regulation. Sectors submit USMEPCOM Form 190-1 (Serious Incident and Significant Activities information) as outlined in USMEPCOM Reg 190-1.

f. The MEPS conduct DAT and HIV testing, notify applicants of positive test results, notify the recruiting Services of all results, and submit HIV situation reports (SITREPs) as prescribed in this regulation.

g. Inspector General monitors compliance during routine inspections.

**Section II  
Policy**

**1-5. Policy for DAT**

Secretary of Defense has approved the Department of Defense (DOD) Preaccession Drug and Chemical and Alcohol testing policy required by Title 10, United States Code, Section 978. Since all Armed Forces

applicants must be tested for drug and alcohol use and abuse, Service Secretaries will determine whether all testing for their respective Services will be conducted at MEPS or basic training centers. This Congressional mandate also applies to Coast Guard applicants, so they must comply with joint DOD and Department of Transportation policy.

a. Secretaries of the Army, Navy, and Air Force have exercised their options to conduct testing for all their enlisted applicants and officer candidates at the MEPS.

(1) Since Navy enlisted applicants and officer candidates began testing later than Army and Air Force applicants, a grandfather clause allows Navy enlisted applicants and officer candidates who completed any portion of medical processing on or before 30 April 1997 to continue all other MEPS processing on and after 1 May 1997 without DAT. All Navy enlisted applicants and officer candidates who begin any portion of medical processing for the first time on and after 1 May 1997 will receive all portions of DAT.

(2) Since Marine Corps enlisted applicants and officer candidates began testing later than Army, Navy, and Air Force enlisted applicants and officer candidates, a grandfather clause will allow Marine Corps enlisted applicants and officer candidates who completed any portion of medical processing on or before 31 July 1997 to continue all other MEPS processing on and after 1 August 1997 without DAT. All Marine Corps enlisted applicants and officer candidates who begin any portion of medical processing for the first time on and after 1 August 1997 will receive all portions of DAT.

~~b. Secretary of Transportation has exercised his option to conduct testing for all Coast Guard enlistees and officer candidates at its training centers. MEPS will not conduct testing for Coast Guard enlisted applicants and officer candidates. MEPSs will begin conducting DAT for all Coast Guard enlistees and officer candidates 1 January 2001. Since Coast Guard began testing later than other Services, a grandfather clause will allow Coast Guard enlisted applicants and officer candidates who began MEPS medical processing on or before 31 December 2000 to complete required medical processing after 1 January 2001 without DAT. All MEPS medical processing beginning on or after 1 January 2001 will require all portions of DAT.~~

c. Persons required to test at MEPS who refuse such tests are disqualified for Armed Forces enlistment or appointment until they provide specimens for testing. Appendix B contains a specific list of persons requiring MEPS testing.

d. Persons testing positive for drugs or alcohol will be denied entrance into the Armed Forces and referred to civilian treatment facilities, even if tests were conducted by accident and/or that Service did not require MEPS testing.

#### **1-6. Policy for HIV testing**

The presence of the HIV antibody suggests past exposure to the virus which causes Acquired Immune Deficiency Syndrome (AIDS). This virus attacks the immune system and damages the ability to fight other diseases. Without a functioning immune system, the person becomes vulnerable to malignancies, bacteria, and other viruses which may cause life-threatening illness. To protect the health of military personnel, the Secretary of Defense directed that all potential military accessions be screened for HIV using a Food and Drug Administration-approved Enzyme-Linked Immunosorbent Assay (ELISA) and immunoelectrophoresis (Western Blot) tests. This testing will be accomplished during the initial medical examination at the MEPS. Persons refusing such tests will not be accepted for enlistment or appointment in the Armed Forces. Persons with serologic evidence of HIV infection are not eligible for appointment or enlistment for military service for the following reasons:

a. The condition existed prior to enlistment.

b. Clinical evidence shows some may suffer adverse or potentially life threatening reactions to live virus immunizations given at basic training.

c. Persons testing positive are not able to participate in battlefield blood donor activities or other blood donation programs.

d. There is no way to differentiate between persons who will progress to clinical disease and those who will remain healthy.

e. The DOD avoids potential medical costs and the possibility that persons could not complete their Service commitments.

### **1-7. Timing of testing**

a. Enlisted applicants for military service shall be tested for drug and alcohol use during their preenlistment medical examinations if testing is required at the MEPS. Officer candidates shall be tested during their precontracting or preappointment medical examinations, whichever occurs earlier.

b. Applicants for enlisted military service shall be tested for HIV during their preenlistment medical examinations. Applicants for officer service shall be tested during their precontracting or preappointment medical examinations, whichever occurs earlier.

### **1-8. Accepting results from other sources**

Do not transcribe results of breath alcohol tests, urinalysis reports, or HIV tests from documents provided by sources outside USMEPCOM unless the test was done in a medical treatment facility overseas.

### **1-9. Expired medical examinations**

a. If a medical examination expires, transcribe the DAT results onto the new SFs 88 and 93. Do not conduct a new DAT. Use MEPRS entries, USMEPCOM For 40-8-4 (Drug Testing Control Log), SF 88, or Product Control Number (PCN) ZHM002s (Drug and Alcohol Processing Eligibility Rosters) for source documents. If results are not available from these sources, contact sector for assistance.

b. If the medical examination expires and there is time to receive results before shipping conduct another HIV test. Be sure the Service liaison understands that once the specimen is drawn, the applicant will not be shipped to recruit training until negative results are received. If transcribe the results from the existing medical examination, MEPRS record, screening record, or USMEPCOM Form 40-8-6 (HIV Control Log). Annotate block 50 of the SF 88 to show the date of the original HIV test and record the following statement: "Results transcribed from expired medical examination because results of a new test could not be received before shipping to recruit training."

## **Section III**

### **Testing Procedures**

#### **1-10. Procedures**

Chapters 2 through 10 contain specific procedures for administration of the DAT and HIV programs.

#### **1-11. Drug testing procedures**

Applicants for military service will be screened for tetrahydrocannabinol (THC) (active ingredient in marijuana) and cocaine use at the site where the preentrance medical examination is conducted. Analysis will be conducted in DOD certified drug testing laboratories using procedures established by the Assistant Secretary of Defense for Health Affairs. Federal law states that "nondrug use" of peyote by native Americans in bona fide religious ceremonies is legal and, in such circumstances, shall not be considered a

controlled substance. Therefore, disclosure by Native American applicants of peyote or mescal use in religious ceremonies does not require either an annotation in the medical history or referral to the service liaison. If annotation is made in block 25, SF 93, it must state that usage was in a Native American religious ceremony and legal in accordance with Title 21, United States Code.

### **1-11. 1. Disqualification Periods**

Public law and DOD policy require disqualification of all persons receiving positive results from further MEPS processing (specifically including any further medical processing or specialty consultation, operations processing, and ASVAB testing) or military service. Services will discharge those with positive results from the DEP or reserve component. Positive results and disqualification period lengths are not negotiable or waivable. At Service discretion, allow retesting at the end of the following disqualification periods.

- a. Alcohol positive (breath alcohol level of .050 or above) for 45 days from the date of test. Applicant may return to process on the 46th day.
- b. Marijuana positive for 45 days from the date of test. Applicant may return to process on the 46th day.
- c. Cocaine positive for 12 months (365 days) from the date of test. Applicant may return to process on the 366th day.
- d. Marijuana and cocaine positive on the same specimen for 12 months (365 days) from the date of test. Applicant may return to process on the 366th day.
- e. Persons confirmed alcohol, marijuana, or cocaine positive for the second time for 24 months (730 days) from the date of test. Applicant may return to process on the 731st day.

### **1-12. Alcohol testing procedures**

Applicants for military service will be screened for alcohol use at the site where the preentrance medical examination is conducted. The examination will be conducted using a National Highway Traffic Safety Administration approved breath alcohol test.

### **1-13. Alcohol dependency evaluation procedures**

Applicants will be evaluated for dependency by the physician performing the medical examination using appropriate medical and psychiatric criteria.

### **1-14. HIV testing procedures**

Applicants for military service will be screened for HIV at the site where the preentrance medical examination is conducted. All specimens will be screened for HIV using ELISA as the first test. All specimens testing ELISA positive will be tested using Recombinant Elisa and Western Blot confirmation tests. Persons confirmed positive are not eligible for military service.

### **1-15. Provisional Delayed Entry/Enlistment Program (DEP) and Reserve component enlistment**

- a. Applicants otherwise qualified may enlist, provisionally, in the DEP or Reserve Component pending receipt of HIV results. However, should these enlistees later receive positive HIV results, they must be discharged from the DEP or Reserve Component within 30 days of receipt of positive results.
- b. Applicants otherwise qualified may enlist, provisionally, in the DEP or Reserve Component pending receipt of drug test results. However, should enlistees later receive positive drug test results, they must be discharged from the DEP or Reserve Component within 30 days of receipt of results.

c. Applicants who test positive for alcohol or drugs and are authorized by the sponsoring Service to take a second test after the appropriate waiting period will be allowed to enter the DEP or Reserve Component before final negative drug results are received. Should these enlistees later receive positive drug test results, they must be discharged from the DEP or Reserve Component within 30 days of the receipt of results.

d. Under no circumstances will DEP or Reserve enlistee be accessed or shipped to basic training without negative HIV, alcohol, and drug test results.

#### **Section IV**

#### **Exceptions to policy, test reconsiderations and waivers**

##### **1-16. Exception to policy**

The following applies to exceptions to policy:

a. Only the Assistant Secretary of Defense (Manpower Management-Personnel Procurement) will grant exceptions to policy for any portion of DAT or HIV.

b. Sector and MEPS commanders will not grant exceptions to policy for any portion of HIV or drug and alcohol testing, regardless of circumstances.

c. Rescinded in IMC 14.

d. Rescinded in IMC 14.

e. MEPS are not responsible for securing exceptions to policy for applicants. Responsibility for requesting exceptions lies solely with the Recruiting Services. Liaisons must pursue exceptions through their chains of command. Recruiting Service Headquarters or Service Headquarters, as designated by their Service chiefs, will coordinate with USMEPCOM's the USMEPCOM Medical Plans and Policy HIV/DAT Program Manager. ~~Program Manager who~~ will request exceptions, as necessary, from Assistant Secretary of Defense and return approved or denied exceptions through Sector to MEPS, using USMEPCOM Form 40-8-11-R-E, Exception to Policy. The Medical Plans and Policy HIV/DAT Program Manager will not request exceptions if negative HIV results have not returned, drug specimens have been at laboratory for more than one work day, applicant previously tested positive, applicant previously refused to test, or applicant previously was unable to provide a specimen. If people shipping on exceptions receive positive results, Commander or Operations Officer will contact Sector immediately. Sector will immediately coordinate all action with the Medical Plans and Policy HIV/DAT Program Manager. MEPS will not discuss applicant results with Recruiting Services ~~without written authorization from Program Manager through Sector.~~

##### **1-17. Test reconsiderations and waivers**

a. The following applies to requests for reconsiderations and waivers to DAT procedures:

(1) Persons who test positive for DAT, but question the validity of the test, will not be retested or reconsidered, regardless of circumstances.

(2) There are no waivers to the ineligibility period for applicants testing positive.

(3) Recruiting Services may initiate waiver requests for applicants who initially test positive for drugs, then immediately test negative with an independent source, in accordance with individual Service waiver requirements. This specifically refers to persons undergoing medical care when medication used during treatment or prescribed by a treating physician would cause tests to show positive results.

(4) Persons with confirmed positive HIV results may request reconsideration only if a private physician documents negative results in writing and the person show no sign of immuno-incompetency. Forward such requests through sector to HQ USMEPCOM (MEPCM). The Service Surgeon General must make final determination on these cases. Do not forward requests for reconsideration or waiver under any other circumstances since none of the Services grant or recommend waivers of unchallenged positive tests. A waiver request for other medical conditions may be submitted on a copy of the SF 88 before HIV test results are available with the understanding that positive test results negate any medical waiver, and that applicants with positive test results will not be accessed unless positive results are later reversed by negative confirmatory tests.