



Drug & Alcohol Clearinghouse Guidance

Who is Subject to the Rule?

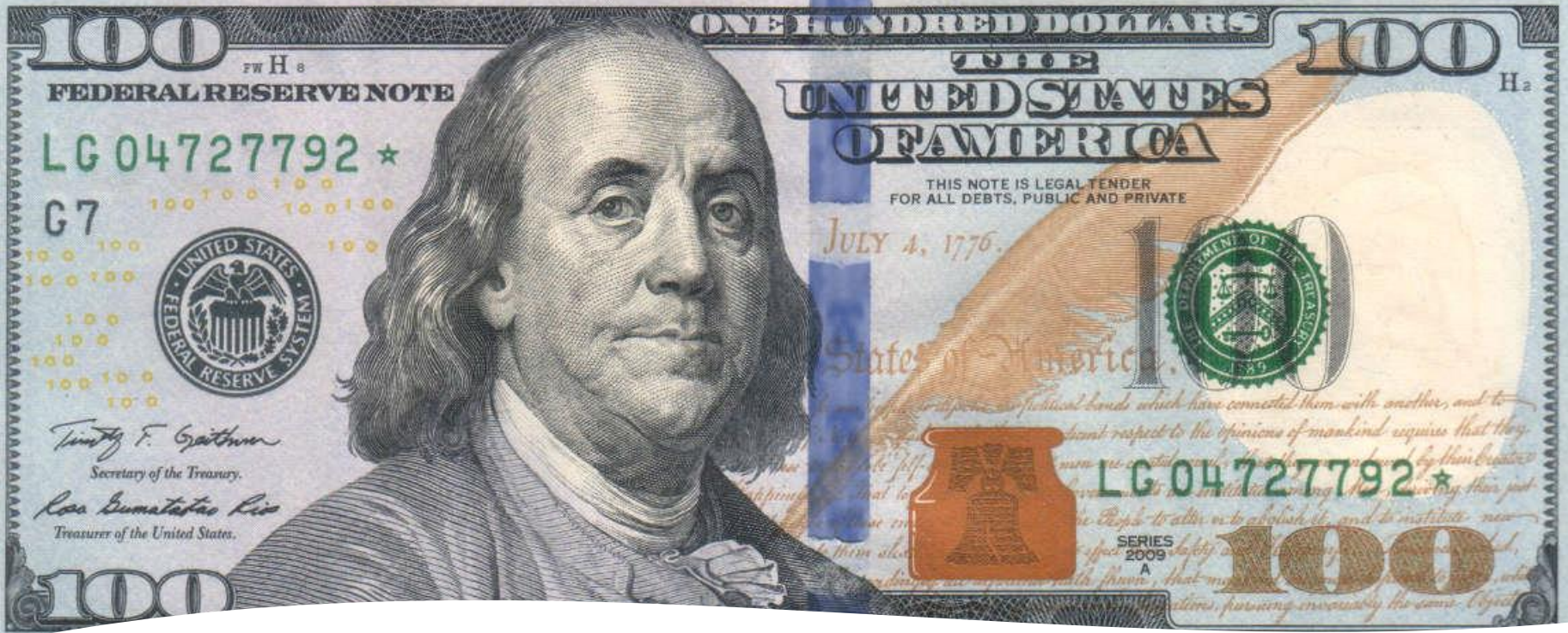
- **Applies to Employers subject to Part 382**
 - CDL Holders operating CMV's over 26K
 - Includes Intrastate and Interstate drivers
- **Does not apply to:**
 - Other USDOT modes (motor carriers with Non-CDL vehicles)
 - Motor carriers not subject to Part 382



What is the clearinghouse?

- Online database (<https://clearinghouse.fmcsa.dot.gov>) houses data on CDL drivers
- Part 382 violations
- Return-to-duty and follow-up testing process
- Employers must register (create an account)
- Creating an account is not optional





Cost

- **Employers:**
 - \$1.25 per report, pre-purchased in bundles (valid indefinitely)
 - Unlimited number, annual cost \$24,500 (valid for 12 months)
- **C/TPAs cannot purchase queries on behalf of employers**
- **If limited query followed by full query, no additional fee**

Compliance Dates



- Beginning January 6, 2020, data will be submitted as required in the rule
- Overlap of existing background checks from January 6, 2020, to January 5, 2023

Clearinghouse Process

- **Parties populating data:**
 - Medical Review Officers (MROs)
 - Motor carriers subject to Part 382
 - Substance Abuse Professionals (SAPs)
 - Consortia/Third-Party Administrators (C/TPAs)



Clearinghouse Process

- **Driver information is removed if the following criteria is met:**
 - SAP reports assessment and treatment successful
 - Employer's report of negative return-to-duty test
 - Current employer reports completion of follow-up tests
 - Five years pass since the original violation
 - Only timely and accurate information should be provided



Medical Review Officer (MRO) Responsibilities

- **MRO's Submissions:**
 - Verified positive, adulterated substituted drug test results
 - Refusals to test (drugs)
 - Driver admissions to the MRO
 - Any changes to a test result



Motor Carrier Responsibilities

- Motor carrier input directly or through designated C/TPA, includes:
 - Confirmed alcohol concentration of .04 or greater
 - Certain refusal-to-test scenarios
 - Actual knowledge
 - Negative return-to-duty test
 - Completion of ***all*** follow-up tests



Motor Carrier Responsibilities

- **Refusal-to-test examples:**
 - Refusing to go
 - Not showing up
 - Arriving late
 - Leaving the collection site without providing a specimen
 - Failure to cooperate
 - Admissions to the collector of an adulterated or substituted specimen



Motor Carrier Responsibilities

- “Actual knowledge” of violations (§382.107), includes:
 - Alcohol use before or during on-duty time;
 - Alcohol use following an accident;
 - Controlled substance use; and
 - Traffic citation for DUI/DWI in a **CDL-class CMV**



Motor Carrier Responsibilities

- Follow-up program:
 - Negative return-to-duty test
 - Completion of **All** follow-up tests





Substance Abuse Professional (SAP) Responsibilities

Must be designated by the driver to provide data to his/her record, including:

- Notification of initial assessment
- Notification of completion of assessments and treatment (i.e., SAP letter issued)
- Drivers will need a clearinghouse account

C/TPA Responsibilities

- **Consortium/Third-Party Administrator (C/TPA):**
 - Is responsible for data on an employer as a single driver (manages data on small carriers)
 - May be contracted to enter a motor carrier's driver data on its behalf (motor carrier is still responsible)
 - May be contracted to request queries from the database



**Drug and Alcohol
Consortium**



Drivers Self-reporting to Employers

- **Section 382.415** requires drivers to report DOT testing violations to current employers under which the violation did not occur, examples:
 - Pre-employment tests
 - Concurrent employment
 - Written notification required within one business day



Driver Clearinghouse Account

- **Driver accounts created to:**
 - Review personal data
 - Challenge/change status
 - Give authorization for full query
 - Provide/update contact details
 - Drivers will need a current email address for this process

Driver Clearinghouse Account

- **After creating an account, drivers will be given:**
 - Free access to the Clearinghouse (§382.709)
 - A process to challenge inaccurate information (§382.717)
 - Notification when data is requested on them (§382.707) (does not require an account)



DRUG & ALCOHOL CLEARINGHOUSE



Query Plans

- Record
- Consent
- Query
- Safety

Driver's Release of Information

- **Limited query** – Driver does not need an account, unless a full query follows
- **Full query** – Driver needs an account to authorize access
- **Note:** Drivers cannot perform a safety-sensitive function if they refuses authorization



Pre-employment Queries

- From January 6, 2020, to January 5, 2023, employers subject to Part 382 must (two inquires):
 - Perform pre-employment queries (full queries)
 - Collect DOT testing history via the Safety Performance History (SPH) request
 - **Note:** Concurrent process
- Applicants will need a clearinghouse account

Pre-employment Queries

- **Effective January 6, 2023:**
 - DOT D & A history removed from Safety Performance History Inquires
 - General employment history and crash history remains on Safety Performance History Inquires.

PREVIOUS EMPLOYEE SAFETY PERFORMANCE HISTORY

This response is being provided to the Prospective Employer noted below in compliance with the Department of Transportation regulations, §391.23(g)(1) and §40.321(b).

Replaces Response Dated: _____

TO BE COMPLETED BY THE PREVIOUS EMPLOYER

DRIVER IDENTIFICATION

Name of Previous Employee: _____ DOT Regulated Driver
 Social Security No.: _____ Date of Birth: ____/____/____ Non-DOT Regulated Driver
 Employed from _____ to _____ as _____

PREVIOUS EMPLOYER INFORMATION

Company Name: _____ Phone Number: _____
 Contact Name: _____ Email: _____
 Street: _____
 City, State, Zip: _____

PROSPECTIVE EMPLOYER INFORMATION

Company Name: _____ THIS FORM WAS (check appropriate box)
 Attention: _____ Mailed, Date: _____
 Street: _____ Faxed, Date: _____
 City, State, Zip: _____ Emailed, Date: _____
 Phone Number: _____ Email: _____ Relayed by Phone, Date: _____
 Name of Person Contacted: _____

SAFETY PERFORMANCE HISTORY

There is no safety performance history to report.
 Driver operated as: Straight Truck Tractor-Semitrailer Bus Cargo Tank Doubles/Triples Other (Specify) _____
 Driver did not operate a commercial motor vehicle.
 Reason for leaving employ: Discharged Resignation Lay Off Military Duty

ACCIDENTS:

Date	Location	No. of Injuries	No. of Fatalities	Hazmat Spill
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____

No accident register data for this driver.
 Enclosed is other accident information pursuant to the employer's internal policies for retaining minor accident information (§391.23(d)(2)(iii)).

DRUG/ALCOHOL TESTING:

Prospective employer did not provide signed release from driver (§40.321(b)). Therefore, drug/alcohol information cannot be provided.
 Under DOT drug and alcohol testing requirements for the past 3 years from the request date shown above: Yes No

1. Was this person employed in a safety-sensitive function that required alcohol and controlled substances testing specified by 49 CFR Part 40? (if NO, skip this section.)

2. Has this person violated any of the drug and/or alcohol prohibitions under 49 CFR Part 40 or Subpart B of Part 382, including:

- An alcohol test with a result of 0.04 or higher alcohol concentration.
- A controlled substances test result of positive, adulterated, or substituted.
- A refusal to submit to a random, post-accident, reasonable-suspicion, or follow-up controlled substances or alcohol test.
- Alcohol use while performing or within 4 hours before performing safety-sensitive functions.
- Alcohol use after an accident, in violation of §382.303.
- Controlled substances use while on duty, except as allowed under §382.213.

3. If the person violated a DOT drug and/or alcohol prohibition, did he/she fail to begin or complete a rehabilitation program N/A
 If not, by a Substance Abuse Professional (SAP)? If rehabilitation was required but you do not know if he/she began such a program, check here

4. If the person successfully completed a SAP's rehabilitation referral and remained in your employ, did he/she have an alcohol test result of 0.04 or greater, a verified positive drug test, or refusal to be tested?

5. If the person provided any DOT drug or alcohol testing information obtained from previous employers in the 3 years prior to the request date, please provide details: _____

Signature: _____ Date: _____
 Title: _____

**REQUEST AND THE RESPONSE
 A SUMMARY IDENTIFYING WHAT WAS PROVIDED**

Pre-employment Queries

- **As of January 6, 2023, employers contact former employers when:**
 - There is no proof of completion of all DOT follow-up tests (i.e., what is the status of the process)
 - It is a safety-sensitive position under another DOT agency (e.g., pipeline, transit, air, maritime, rail)



Annual Queries

- As of January 6, 2020, employers must request an annual query on existing CDL drivers from the Clearinghouse:
 - C/TPA may be contracted to manage the task
 - It may be a batch request of all drivers at once
 - It may be a **limited query**, rather than full
 - If limited query, recommend noting duration on employment on the consent form
 - If a limited query report is flagged, a full query must be performed within 24 hours



Queries: 30 Days Following

- New information is reported to employer when entered within 30 days of the pre-employment (full) query
- FMCSA will notify the employer of the new information (violation)



Employer Recordkeeping

- Beginning January 6, 2020:
 - Queries retained for 3 years
 - Limited-query release kept until 3 years after the final authorized query
- As of January 6, 2023:
 - Valid registration fulfills this requirement

Note: For additional retention information refer to Part 49, Section 382.401



Registration Process

- Pick a 'Clearinghouse Administrator'
 - May invite 'assistants' after registering
 - Assistants can run queries, report violations
- You'll need two authentication methods:
 - Phone number
 - Phone app
 - Security key
 - Backup codes
- If you have an FMCSA Portal account, link it to the Clearinghouse account
 - portal.fmcsa.dot.gov



Registration Process

<https://clearinghouse.fmcsa.dot.gov/register>



FMCSA
Federal Motor Carrier Safety Administration

**DRUG & ALCOHOL
CLEARINGHOUSE**

**Register for the Clearinghouse now
and be ready for implementation**

Authorized users must register to request access to information in the Clearinghouse. You with a login.gov account to begin your Clearinghouse registration.

Need a login.gov account? Click the link below to create your login.gov account.

Already have a login.gov account? Click the link below and sign in to your account.

[Go to login.gov](#)

1. Click “Go to login.gov”
2. Click “Create an account”
3. Enter administrator’s email address
4. Create password and select authentication methods

Registration Process

5. Select your role: Employer or driver
6. Optional: Link to Portal account
7. Enter and/or verify personal and company details
8. Optional: Designate a C/TPA

2. Select Your Role

Use the icons below to select the type of user account you will need in the Clearinghouse.

 <input checked="" type="radio"/> Employer	 <input type="radio"/> Driver	 <input type="radio"/> Consortium/Third-Party Administrator (C/TPA)	 <input type="radio"/> Medical Review Officer (MRO)	 <input type="radio"/> Substance Abuse Professional (SAP)
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Recommended Steps before Implementation

- Update policy and procedures (§382.601(b)(12))
- Issue a revised policy to drivers by Jan. 6, 2020
- Collect a new signed receipt from drivers

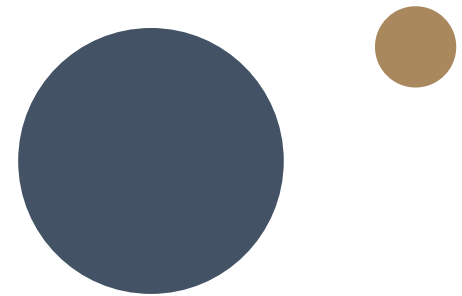


CHECKLIST



Recommended Steps before Implementation

- **Train those affected:**
 - Driver recruiters,
 - HR practitioners, and
 - Safety and Operations Managers
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Recommended Steps before Implementation

- Register for a clearinghouse account
 - Registration began September 30, 2019
- (Optional provision) Designate a C/TPA to act on your behalf to:
 - Submit required data
 - Retrieve required reports





Drug & Alcohol Clearinghouse Resources:

- [FMCSA Drug & Alcohol Clearinghouse – Register Now](#)
- [Learn about Query Plans – Purchasing a Query Plan](#)
- [Clearinghouse Frequently Asked Questions \(FAQ's\)](#)
- [Clearinghouse Learning Center](#)
- [Clearinghouse Register/Login](#)
- [Contact FMCSA Clearinghouse Team](#)



Q & A

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