

FMCSA DRUG & ALCOHOL CLEARINGHOUSE

December 2019

OVERVIEW

- Definition and impact
- Registration process
- Compliance
- Queries

OVERVIEW

- Violations and return-to-duty
- Resources
- Next steps

FINAL RULING

Clearinghouse final rule published December 5, 2016

The Clearinghouse final rule implemented the Congressional mandate to establish a drug and alcohol clearinghouse and identified the roles and responsibilities of those who will be required to use the Clearinghouse.

WHAT IS THE DRUG & ALCOHOL CLEARINGHOUSE?

The Clearinghouse is a secure online database that will give employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and State law enforcement personnel real-time information about commercial driver's license (CDL) and commercial learner's permit (CLP) holders' drug and alcohol program violations.

WHAT IS THE DRUG & ALCOHOL CLEARINGHOUSE?

The Clearinghouse will contain records of violations of drug and alcohol prohibitions in [49 CFR Part 382, Subpart B](#), including positive drug or alcohol test results and test refusals. When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information will also be recorded in the Clearinghouse.

PUPIL TRANSPORTATION EMPLOYERS

- Starting January 6th, 2020, as part of the MAP-21, all employers must be registered with the clearinghouse
- Free to register
- Queries (requests) of all current employees who hold a CDL/CDLP should be done at least once annually

PUPIL TRANSPORTATION EMPLOYERS

- Districts must report all positive drug and alcohol violations to the Clearinghouse
- Districts in the state of Arizona must report positive results immediately to the Department of Public Safety, and the employee is to be removed from safety-sensitive functions

PUPIL TRANSPORTATION EMPLOYERS

- Districts must require consent of the employee or prospective employee via physical or electronic signature for all query levels

WHO NEEDS TO REGISTER?

- Employers
- Any driver who holds a CDL and meets the requirements of the CDL standards (49 CFR Part 383), and the FMCSA Drug and Alcohol Testing Program (Part 382); includes CLP drivers
- Prospective Employees: they will need to register to give employers consent to query

REGISTRATION PROCESS

- Create account at www.login.gov
- Verification email may get caught in spam blocker
- There is a two part verification process

WEBSITE LOOK

https://secure.login.gov/?request_id=9b71384b-c46c-4bc3-a4c0-86e6ee83f330

REGISTRATION PROCESS

- Select your role (employer)
 - You will still also need to establish an account for yourself
- FMCSA portal account?
 - No
- Are you a Clearinghouse administrator?
 - Yes
- Does your company have a USDOT number?
 - Yes or no (depending on entity)

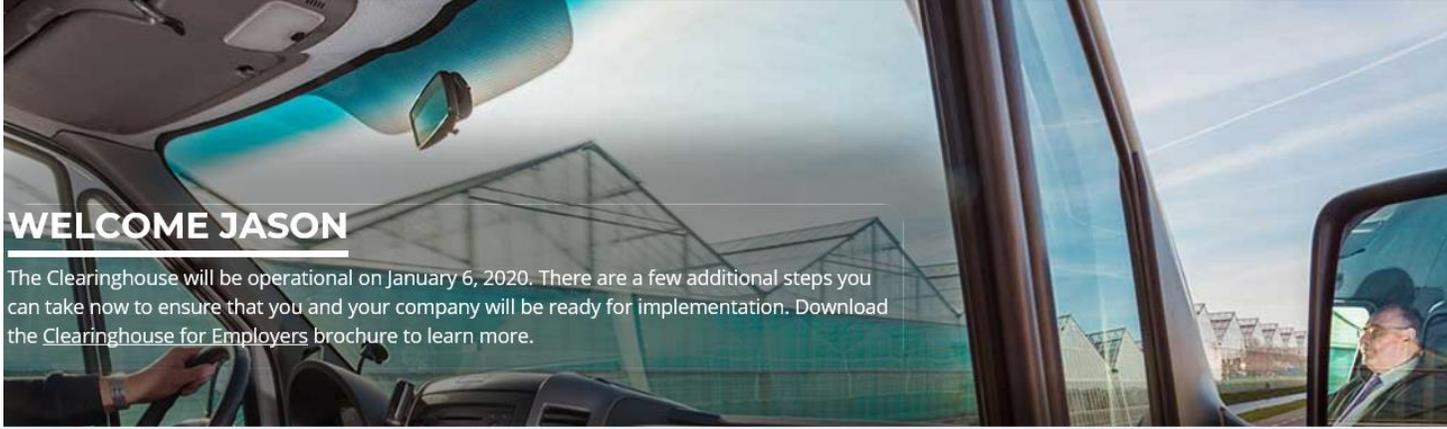
REGISTRATION PROCESS

- Contact information
 - Enter your information as well as the district/entity information
- Designate C/TPA
 - This is your collections entity that is performing drug and alcohol tests
- Terms & Conditions

DASHBOARD

DRUG & ALCOHOL
CLEARINGHOUSE

My Dashboard Learn About Contact



WELCOME JASON

The Clearinghouse will be operational on January 6, 2020. There are a few additional steps you can take now to ensure that you and your company will be ready for implementation. Download the [Clearinghouse for Employers](#) brochure to learn more.



Purchase a Query Plan

An employer must have purchased a query plan before you, or your C/TPA, can conduct queries in the Clearinghouse. Purchase your plan today and be ready for January 6, 2020.

Purchase a Query Plan



Designate a C/TPA

Be sure to designate all consortia/third-party administrators (C/TPAs) that manage your drug and alcohol testing program. This enables them to conduct queries and/or report violations on your behalf.

Designate a C/TPA



Invite an Assistant

Will other employees conduct queries or report violations in the Clearinghouse on behalf of your company? You will need to [send them an invitation](#) to register for the Clearinghouse in an Assistant role.

Invite an Assistant

The Trust
in partnership with the Alliance and SCIP

CLEARINGHOUSE QUERIES

- The Clearinghouse final rule requires that employers conduct queries:
 - As part of any pre-employment driver investigation, and
 - At least annually for every CDL driver currently employed

LIMITED QUERIES

- Limited queries check for the presence of information in the queried driver's Clearinghouse record
- Driver consent is obtained outside the Clearinghouse

Query Type	Reason for Query	Consent Requirements	Consent Responses and Required Actions	Query Results and Required Actions
<p>LIMITED QUERY</p> 	<p>Annual check on currently-employed driver</p> <p>OR</p> <p>Ad hoc/periodic check on driver</p>	<p>Outside the Clearinghouse</p> <p>May be electronic or wet signature</p> <p>Limited consent form must specify time range</p>	<p>Consent refused</p> <ul style="list-style-type: none"> • Query cannot be conducted • Driver removed from safety-sensitive functions <p>Consent provided</p> <ul style="list-style-type: none"> • Retain via paper or electronically in driver's qualification file • Request limited query in the Clearinghouse 	<p>No records found in the Clearinghouse for queried driver</p> <ul style="list-style-type: none"> • No action required <p>Records found in the Clearinghouse for queried driver; full query needed</p> <ul style="list-style-type: none"> • Full query must be conducted for violation and/or return-to-duty (RTD) details to be released • If full query is not conducted within 24 hours, driver is removed from safety-sensitive functions, including operating a CMV

FULL QUERIES

- Full queries will disclose to employers detailed information about any resolved or unresolved violations in a driver's Clearinghouse record
- A driver's specific electronic consent in the Clearinghouse is required

Query Type	Reason for Query	Consent Requirements	Consent Responses and Required Actions	Query Results and Required Actions
<p>FULL QUERY</p> 	<p>Pre-employment check on prospective driver</p> <p>OR</p> <p>Limited query returned records found for queried driver</p> <p>OR</p> <p>Ad hoc/periodic check on driver</p>	<p>Electronically within the Clearinghouse, for each full query for individual driver</p>	<p>Consent refused</p> <ul style="list-style-type: none"> • Employer notified of refused consent • Query cannot be conducted • Driver cannot perform/ removed from safety-sensitive functions <p>Consent provided</p> <ul style="list-style-type: none"> • Query conducted • Full violation and/or RTD details released, if any 	<p>Prohibited</p> <ul style="list-style-type: none"> • If driver has a violation and no negative RTD test result, driver is removed from safety-sensitive functions <p>Not Prohibited</p> <ul style="list-style-type: none"> • If a driver has no violations, or a violation and a negative RTD test result, no action required

QUERY COST

- Queries cost \$1.25 per individual query
- Entities can purchase “query bundles”
 - bundles do not expire
 - payment is by credit card only, NO purchase orders
 - purchase plans are available once the employer account is established

QUERY BUNDLE COST

Query Bundle	Plan Cost
1	\$1.25
2	\$2.50
3	\$3.75
4	\$5.00
5	\$6.25
10	\$12.50
20	\$25.00
50	\$62.50
100	\$125.00
150	\$187.50
200	\$250.00
300	\$375.00
500	\$625.00
1,000	\$1,250.00
1,500	\$1,875.00
2,000	\$2,500.00
2,500	\$3,125.00
5,000	\$6,250.00
7,500	\$9,375.00

QUERY CONSENT EXAMPLE

**General Consent for Limited Queries of the
Federal Motor Carrier Safety Administration (FMCSA)
Drug and Alcohol Clearinghouse**

I, _____ (Driver) hereby provide consent to

_____ (District) to annually conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

This consent is effective the date signed, and the consent is in effect during the term of my employment with the District.

I understand the limited query conducted by the District indicates that drug or alcohol violation information about me exists in the Clearinghouse. FMCSA will not disclose that information to the District without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the District to conduct a limited query of the Clearinghouse, the District must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date

ADDITIONAL NOTES ON QUERIES

- If consent is refused, a query cannot be conducted
- Driver would be removed from any safety-sensitive functions (operating a commercial vehicle and/or working with students)
- Queries can be conducted more frequently than once per year, but cost \$1.25 per query
- Queries can be submitted in bulk through a tab-delimited data file for districts that have a large number of employees

ADDITIONAL NOTES ON QUERIES

- Beginning January 6, 2023, employers will no longer be required to send the paper drug/alcohol questionnaire to previous CDL employers, the clearinghouse queries will take the place of this process

REPORTING VIOLATIONS

- Medical review officers (MROs) will be required to report verified positive, adulterated, or substituted controlled substances test results, as well as refusals to take a drug test
- Violations must be reported within **two** business days of verification or determination

RETURNING TO DUTY

- An individual who has been reported with a positive screen is eligible to return to duty once completing a substance abuse program (SAP) with a *licensed and approved* SAP if he or she wants to return to commercial driving
- Individuals who have been reported as positive will use the Clearinghouse to report RTD activities to the SAPs

RETURNING TO DUTY

- This includes resigning from one district and trying to gain employment in any other commercial driving capacity
- SAPs will be identified through the clearinghouse for individuals to contact to start the return to duty process

REPORTING ON RETURN TO DUTY PROGRESS

- SAPs will be required to report to the Clearinghouse when the initial driver assessment is completed and when the driver is determined to be eligible for RTD testing
- Report must be filed by close of business day following the date of the initial assessment

SCENARIO 1

Employer obtains consent on limited query, query results return no information:

- No further action required

SCENARIO 2

Employer obtains consent on limited query, query results return records found in the database:

- Full query is required within 24 hours
- If RTD process has not been completed, employee must be removed from safety-sensitive duties
- If query shows violation, but also a negative RTD test result, no further action is required

SCENARIO 3

Employee tests positive during random drug screen:

- Remove employee from safety-sensitive functions
- Report result to Clearinghouse within two business days of violation
- Report to DPS per R13-13-102 (C)(6) immediately and provide a copy of the results within five business days

SCENARIO 3

- Employee must notify in writing all current employers of such violation(s) per FMCSA §382.415. The driver is not required to provide notification to the employer that administered the test or documented the circumstances that gave rise to the violation. The notification must be made before the end of the business day following the day the employee received notice of the violation, or prior to performing any safety-sensitive function, whichever comes first.

SCENARIO 3

➤ Refer individual to Substance Abuse Program

ADDITIONAL CLARIFICATIONS ON CLEARINGHOUSE

- Employers will only be notified of positive results from the Clearinghouse once a query is completed
- Results are not sent automatically like an infraction against a Fingerprint Clearance Card
- Results are only reported by employers and MROs; this does not report on incidents that take place on the employee's personal time

CLEARINGHOUSE RESOURCES

- FMCSA Web link:
<https://clearinghouse.fmcsa.dot.gov>
- FMCSA FAQ Section:
<https://clearinghouse.fmcsa.dot.gov/FAQ>
- Google “Drug & Alcohol Clearinghouse”
- Transportation Administrators of Arizona:
www.taa-online.org

Transportation Administrators of Arizona



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***NEW* MAP-21**

***NEW* FMCSA Clearinghouse**

Welcome!

Hello TAA Membership,

Hard to believe we are into November, the second quarter of school, and just in front of the holidays! Most of us will see our 100th day immediately following winter break and of course we all anticipate the implementation and compliance expectations of MAP-21 as well as The

Upcoming Events

February 2020 Training Opportunities

11/22/2019 6:41:00 AM

100-Day Report Spreadsheet Class Monday, February 3, 2020, 10:00 a.m.-1:00 p.m. Preparing transportation route and vehicle inventory reports is an essential and required part of school district transportation. These annual reports identify yearly ridership...

Upcoming Webinar Series Information - Check it out!

NEXT STEPS

- Register your district/entity
- Register yourself
- Contact your business services department to purchase “Query Packs”
- Prepare Query Consent Forms
- Inform your staff

UPCOMING TRANSPORTATION WEBINARS

- MAP-21: Wednesday, December 11, 2019
- White Fleet and Vehicle Rental Guidelines, Wednesday, January 22, 2020
- 100-Day Report Guidelines, Wednesday, January 29, 2020 ↗
- Follow up Hands-on Spreadsheet Class, Monday, February 3, 2020

THANK YOU

Jason Nelson, Kyrene School District

jsnelson@Kyrene.org

(480) 541-1708

Transportation Webinar Series

Email: transportation@the-trust.org

Facebook: TheTrustTransportationAZ

