DRUG & ALCOHOL
CLEARINGHOUSE

Federal Motor Carrier Safety Administration

March 5, 2019

Agenda

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What information it will contain, and how it will improve highway safety

2 **THE CLEARINGHOUSE FINAL RULE**
About the Congressional mandate and what it means for you

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Project milestones leading up to and beyond implementation

4 **USING THE CLEARINGHOUSE**
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Registration will open in Fall 2019 to help you prepare for implementation

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What is the Clearinghouse?

Tracking Violations: Current Process

- Commercial driver's license (CDL) and commercial learner's permit (CLP) holders with drug and alcohol program violations must not operate a commercial motor vehicle (CMV) until they complete required drug and/or alcohol education or treatment

- Current process relies on drivers to inform a new employer of any violations of the drug and alcohol rules committed while with a previous employer

- Motor carriers are required to monitor drivers' compliance with DOT drug and alcohol regulations

THIS REQUIRES:

Drivers to self-report positive test results

Motor carriers to conduct and/or respond to background checks and ongoing driver compliance

The FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse

Database containing CDL drivers' drug and alcohol program violation information

- Reported by employers and Medical Review Officers (e.g., positive tests, refusals, etc.)

- Information includes whether a driver has successfully completed the mandatory return-to-duty (RTD) process following a violation
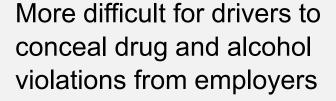
The Clearinghouse will keep driver information secure

- Only authorized users, including employers and FMCSA, will be able to register and access the Clearinghouse for designated purposes

- Other enforcement agencies, such as State Driver's Licensing Agencies and State law enforcement agencies, will only receive driver eligibility status

- Drivers can access their own information, but not information of other drivers

- The Clearinghouse will meet all relevant Federal security standards and FMCSA will verify the effectiveness of security protections regularly

Increasing safety on our Nation's roadways

Real-time access to reported violation information for authorized users

Easier for employers to meet pre-employment investigation and reporting obligations

More difficult for drivers to conceal drug and alcohol violations from employers

More insight into employer compliance with drug and alcohol testing rules

Safer Roadways

The Clearinghouse Final Rule

- Published December 5, 2016

- Mandated by Congress (MAP-21, Section 32402)

- Established requirements for the Clearinghouse

- Identified **January 6, 2020** as the Clearinghouse implementation date

Read the Clearinghouse final rule at:

www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse

Timeline: Drug & Alcohol Clearinghouse

December 5, 2016

Final Rule Published
Requirements, user roles established

February 2019

Information Phase
- Launch of Clearinghouse website
- Subscribe for email updates

October 2019

Registration Opens
Create your user account ahead of Implementation Date

January 6, 2020

Implementation Date
- Mandatory reporting begins
- Both electronic and manual queries required

January 6, 2023

3-Year Post Implementation
- Clearinghouse contains 3 years of violation data
- Only electronic queries required

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Using the Clearinghouse

How does the Clearinghouse impact Canadian users?

Are Canadian drivers conducting operations in the United States subject to the Clearinghouse requirements?

- Yes, only Canadian drivers operating in the United States are required to comply with FMCSA drug and alcohol testing requirements and must comply with the Clearinghouse final rule.

Must Canadian employers report drug and alcohol program violations to the Clearinghouse?

- Yes, only Canadian employers operating in the United States are required to comply with FMCSA drug and alcohol testing requirements must report drug and alcohol violations to the Clearinghouse.

Can Canadian MROs report confirmed positive test results and refusals to test to the Clearinghouse?

- Yes, if the MRO meets the requirements under Part 40 section 121.

Can Canadian SAPs report date of initial assessment and date eligible for RTD testing?

- Yes, if the SAP meets the requirements under Part 40 section 281.

Will FAQs and other outreach materials about the Clearinghouse be updated?

- Yes, our website at **https://clearinghouse.fmcsa.dot.gov** will be updated regularly with new information, including the fact sheet and FAQs. In addition, you will be able to sign up for email updates.

Who will be required to use the Clearinghouse?

☑ Drivers who hold CDLs or CLPs

☑ Employers of CDL drivers who operate CMVs

☑ Consortia/Third-Party Administrators (C/TPAs)

☑ Medical Review Officers (MROs)

☑ Substance Abuse Professionals (SAPs)

☑ State Drivers Licensing Agencies (SDLAs)

What actions will users be required to take in the Clearinghouse?

	Register as user	Manage Assistants (optional)	Select C/TPA*	Request driver consent for full queries	Consent to full query requests	Query driver violation information	Report drug and alcohol program violations	Select SAP†	Report on RTD initial assessment, eligibility for RTD test	Report on RTD and follow-up testing
DRIVER	✓				✓			✓		
EMPLOYER	✓	✓	✓	✓		✓	✓			✓
C/TPA	✓	✓		✓		✓	✓			✓
MRO	✓	✓					✓			
SAP	✓	✓							✓	

*Selecting a C/TPA is required for an employer who employs him/herself as a driver (owner-operator). For all other employers, this is optional.

† A driver would only need to select a SAP if they have a drug or alcohol violation in the Clearinghouse and enter the return-to-duty (RTD) process.

Drivers

Drivers will complete the following actions in the Clearinghouse:

1. **Register** in the Clearinghouse

2. **View** their information

3. **Provide** specific consent to an employer in the Clearinghouse for a full query (includes pre-employment queries)

4. **Select** a SAP in the Clearinghouse before the SAP can enter RTD information about them into the Clearinghouse

To register for an account, drivers will:

1. Complete 2-factor authentication verification and password & security Q&A entry

2. Enter DOB, CDL number, and State of Record

3. Enter contact information

4. Choose preferred contact method

5. Accept terms and conditions

Drivers may:

1. Submit a petition to correct inaccurately reported information as established in the final rule and per 49 CFR part 10

2. May request the removal of an employer's report of actual knowledge of a driver's traffic citation for operating a CMV under the influence of drugs or alcohol be removed from the Clearinghouse if the citation did not result in a conviction

3. Request that other reports of actual knowledge violations, as well as "failure to appear" test refusals, be removed from the Clearinghouse if they were not reported in accordance with § 382.705(b)(5).

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Employers

Employers will complete the following actions in the Clearinghouse:

1. **Register** in the Clearinghouse

2. **Report** drug and alcohol violations in the Clearinghouse

3. **Request** specific consent in the Clearinghouse from the driver they wish to conduct a full query on (includes pre-employment queries)

4. **Designate** a C/TPA in the Clearinghouse before the C/TPA can enter violation information or conduct queries on their behalf

5. **Report** a negative return-to-duty alcohol and/or controlled substances test result

6. **Report** the completion of a driver's follow-up testing plan

An **employer** who employs him/herself as a driver (owner-operator) **must** designate a C/TPA in the Clearinghouse

To register for an account, employers will:

1. Complete 2-factor authentication verification and password & security Q&A entry

2. Enter company information

3. Enter contact information

4. Accept terms and conditions

Note: Employers **with a USDOT #** will register for an account to the Clearinghouse via the FMCSA Portal

Queries and Consent Requests

Employers will be required to query the Clearinghouse for:

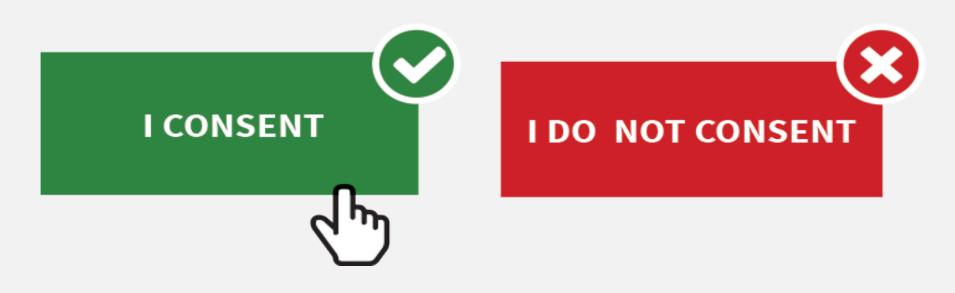1. **PRE-EMPLOYMENT SCREENING** to ensure the prospective employee is eligible to perform safety-sensitive functions

2. **ANNUAL VERIFICATION** to ensure that a driver is still eligible to perform safety-sensitive functions

The type of consent request will depend on the type of query:

Purpose	Query Type	Consent Request
Pre-employment screening	Full query – access full violation details	Specific consent – required for each full query; provided electronically in the Clearinghouse
Annual verification	Limited query – verify presence of driver information in the Clearinghouse. If information is discovered, a full query is required	General consent – done outside the Clearinghouse; can be one-time or unlimited Specific consent required – if limited query results in a full query; provided electronically in the Clearinghouse

Queries and Consent Requests

- **Drivers must register in the Clearinghouse to provide consent for pre-employment queries**

- **Employers must obtain a driver's consent before querying the driver's violation information**

- **Drivers who decline their consent cannot perform safety-sensitive functions (including operating a CMV) for that employer**

Consortia/Third-Party Administrators (C/TPAs)

C/TPAs may:

1. Enter drug and alcohol violation information into the Clearinghouse on behalf of the employer

2. Request consent from the driver on behalf of the employer

3. Query the Clearinghouse on behalf of the employer

4. Designate a C/TPA assistant in the Clearinghouse

Registration Overview:

1. **C/TPAs** will register in the Clearinghouse

2. **C/TPAs** will send an invitation to their Assistants to register in the Clearinghouse

3. **Initial registration** will require 2-factor authentication verification and password & security Q&A entry

The **C/TPA** must be selected by the employer in the Clearinghouse before the C/TPA can report violation information or query the Clearinghouse on behalf of the employer.

An **employer** who employs him/herself as a driver (owner-operator) must select the C/TPA in the Clearinghouse

Medical Review Officers (MROs)

MROs may:

1. Work for MRO company(ies), or be self-employed

2. Enter drug and alcohol violation information to the Clearinghouse

3. Designate a MRO assistant to enter violation information on their behalf

Registration Overview:

1. **MROs** will register in the Clearinghouse

2. **MROs** will send an invitation to their Assistants to register to register in the Clearinghouse

3. **Initial registration** will require 2-factor authentication verification and password & security Q&A entry

Substance Abuse Professionals (SAPs)

SAPs may:

1. Work for SAP company(ies), or be self-employed

2. Enter RTD information into the Clearinghouse

3. Designate a SAP assistant to enter violation information on their behalf

Driver must identify the SAP in the Clearinghouse before the SAP may enter RTD information in the Clearinghouse

Registration Overview:

1. **SAPs** will register in the Clearinghouse

2. **SAPs** will send an invitation to their Assistants to register to register in the Clearinghouse

3. **Initial registration** will require 2-factor authentication verification and password & security Q&A entry

C/TPA, MRO, and SAP Assistants

- All Assistants **must** be invited to register in the Clearinghouse

- C/TPA Assistant enters violation information and queries the Clearinghouse on behalf of the authorized C/TPA

- MRO Assistant enters violation information into the Clearinghouse on behalf of the authorized MRO

- SAP Assistant enters RTD information into the Clearinghouse on behalf of the authorized SAP

- C/TPA Assistant may support multiple C/TPAs

- MRO Assistant may support multiple MROs

- SAP Assistant may support multiple SAPs

Coming Fall 2019: Register for the Clearinghouse

- Register your company and/or yourself

- Designate C/TPA (employers, if applicable)

- Set up Assistants (employers, C/TPAs, SAPs, MROs)

- Encourage drivers to register

For more information

Visit **https://clearinghouse.fmcsa.dot.gov**

> Subscribe for email updates

> Read frequently asked questions

> Download the Clearinghouse factsheet

Contact **clearinghouse@dot.gov**