



**integrity**testing  
& safety administrators



*Presented by:*

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# Understanding the Drug And Alcohol Testing Program

- Designated Employer Representative (DER) responsibilities for managing the program
- When do we test a driver
- What are violations for FMCSA D&A
- Checking a driver's previous employer D&A records
- Clearinghouse rules

# What is a DER? (Definition 40.3)

“An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes.

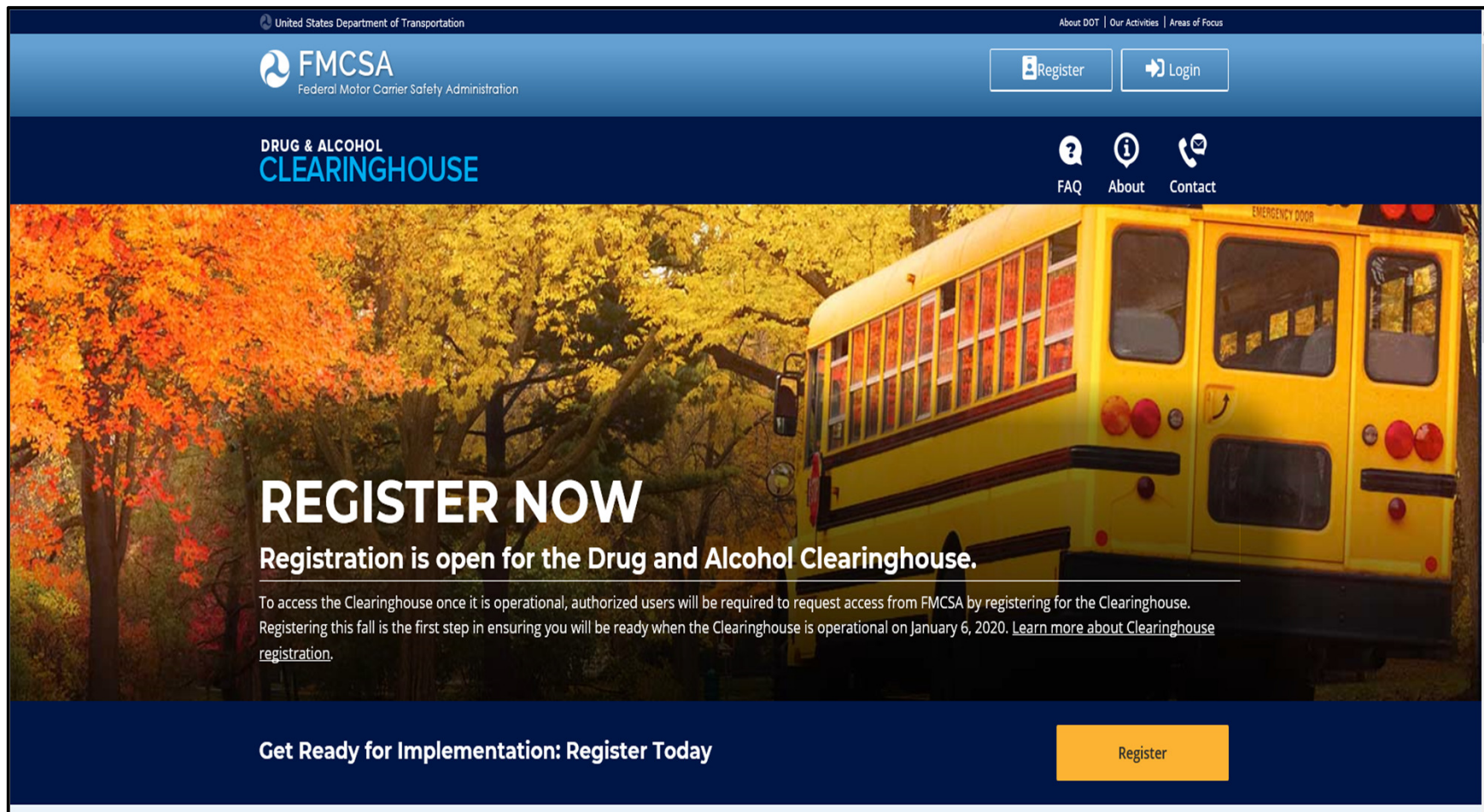
The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents **cannot** act as DERs”.

# *Management! Processes! Decisions!*

- Pre-employment Process
- Managing the Random Program
- Reasonable Suspicion
- Return To Duty and Follow-up Testing Procedures
- Shy Bladder/Shy Lung
- Refusals
- Positive Drug Test, Alcohol Result above .02
- Clearinghouse Submissions

# FMCSA Clearinghouse

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



United States Department of Transportation

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Federal Motor Carrier Safety Administration

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**DRUG & ALCOHOL  
CLEARINGHOUSE**

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## REGISTER NOW

Registration is open for the Drug and Alcohol Clearinghouse.

To access the Clearinghouse once it is operational, authorized users will be required to request access from FMCSA by registering for the Clearinghouse. Registering this fall is the first step in ensuring you will be ready when the Clearinghouse is operational on January 6, 2020. [Learn more about Clearinghouse registration.](#)

**Get Ready for Implementation: Register Today**

[Register](#)

# Monthly Clearinghouse Reports

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

## News and Events

Get the latest news from FMCSA about the Drug and Alcohol Clearinghouse

### FMCSA releases February 2022 Clearinghouse Monthly Summary Report

📅 April 12, 2022

FMCSA has released the latest Clearinghouse Monthly Summary Report, covering data reported to the Clearinghouse through February 2022. The report includes information on the number of Clearinghouse registrations, queries conducted, violations reported, and drivers in the return-to-duty (RTD) process. You can also use the links below to download PDF versions of the previous reports.

[February 2022 Report](#)

[January 2022 Report](#)

[December 2021 Report](#)

[Download February 2022 Report](#)

# Regulatory Scope vs Clearinghouse

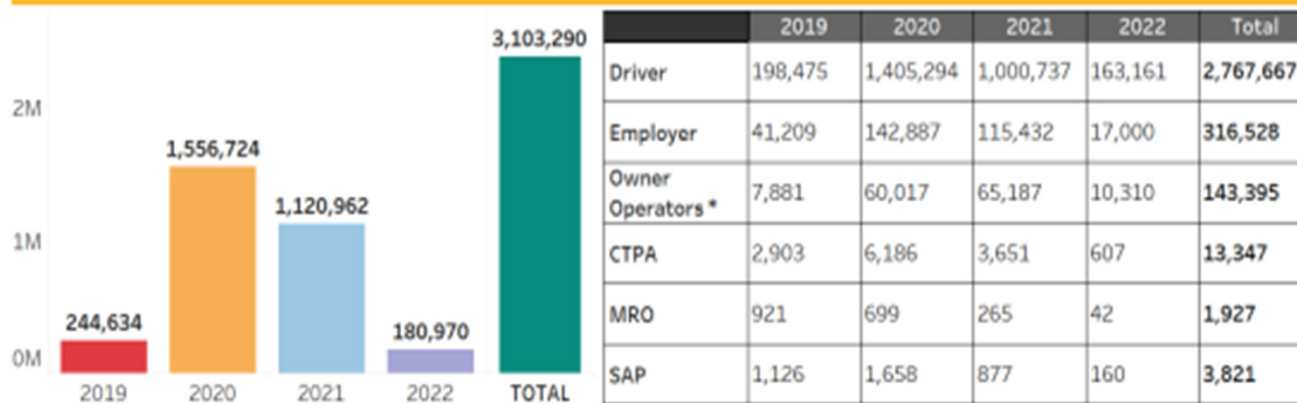
INDUSTRY	DOT MODE	# EMPLOYERS	# EMPLOYEES
Highway	FMCSA	700,000	3,900,000

Organizations Registered in the Clearinghouse		
<b>122,190</b> EMPLOYERS	<b>38,719</b> AS OWNER-OPERATORS	<b>65,112</b> LINKED TO FMCSA PORTAL ACCOUNT
<b>7,479</b> C/TPAs	<b>2,261</b> SAPs	<b>1,462</b> MROs

## REGISTRATIONS

Registration for the FMCSA Drug and Alcohol Clearinghouse (Clearinghouse) began for all user roles on September 28, 2019. Commercial driver's license (CDL) or commercial learner's permit (CLP) holders, employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) all must register within the Clearinghouse. In some cases, a single user may have multiple roles within the Clearinghouse. For a summary of the number of drivers and organizations that registered in the Clearinghouse, see the table below.

### CDL/CLP Holder and Organization Registrations



This chart reflects the number of CDL/CLP holders (drivers) and organizations registered within the Clearinghouse by role type since September 28, 2019.

*Number of completed registrations through February 2022, as of 3/1/2022. \* Owner-operator counts are not included in the annual totals, as owner-operators are a subset of Employers and are included in the Employer counts.*

# Positives Reported in Clearinghouse

## SUBSTANCES IDENTIFIED IN POSITIVE DRUG TESTS

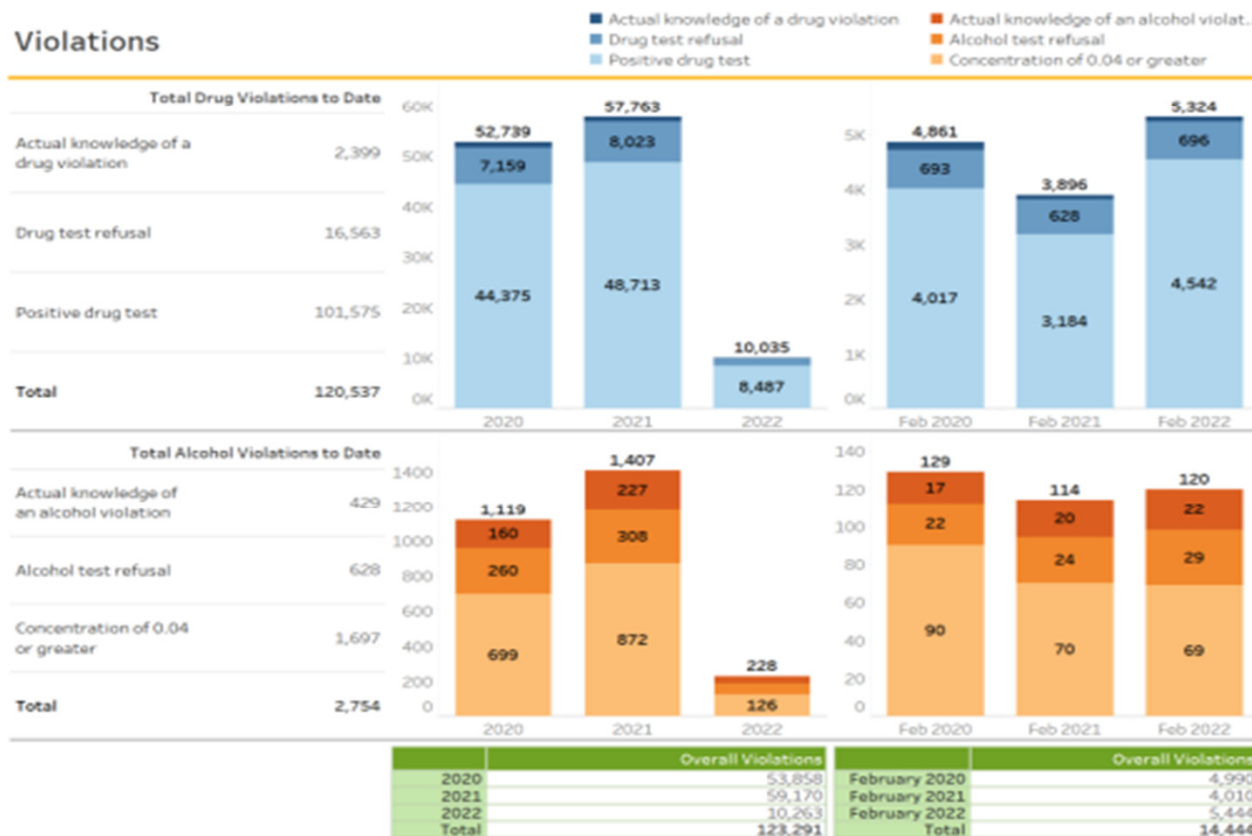
Substance	2020	2021	2022	# Tests Identified*
Marijuana Metabolite ( $\Delta 9$ -THCA)	29,511	31,085	6,763	67,359
Cocaine Metabolite (BZE)	7,940	8,765	1,827	18,532
Methamphetamine (MET/MAMP)	5,187	5,082	1,019	11,288
Amphetamine (AMP)	4,953	4,904	972	10,829
Oxymorphone (OXYM)	1,372	1,276	229	2,877
Oxycodone (OXYC)	1,106	1,049	178	2,333
Hydrocodone (HYC)	1,082	1,048	156	2,286
Hydromorphone (HYM)	1,000	930	134	2,064
Morphine (MOP)	443	353	63	859
Codeine (COD)	386	329	79	794
6-Acetylmorphine (6-AM)	302	191	37	530
Phencyclidine (PCP)	137	118	21	276
Ecstasy (MDMA)	65	60	7	132
Methylenedioxyamphetamine (MDA)	30	33	7	70
<b>All substances</b>	<b>53,514</b>	<b>55,223</b>	<b>11,492</b>	<b>120,229</b>

(Reported through February 2022, as of 3/1/2022)

# VIOLATIONS REPORTED TO CLEARINGHOUSE

Employers or their designated C/TPA, and MROs are required to report violations of the drug and alcohol program.

## Violations



The graph to the left illustrates the number of violations reported to the Clearinghouse since January 6, 2020.

Violations reported through February 2022, as of 3/1/2022.

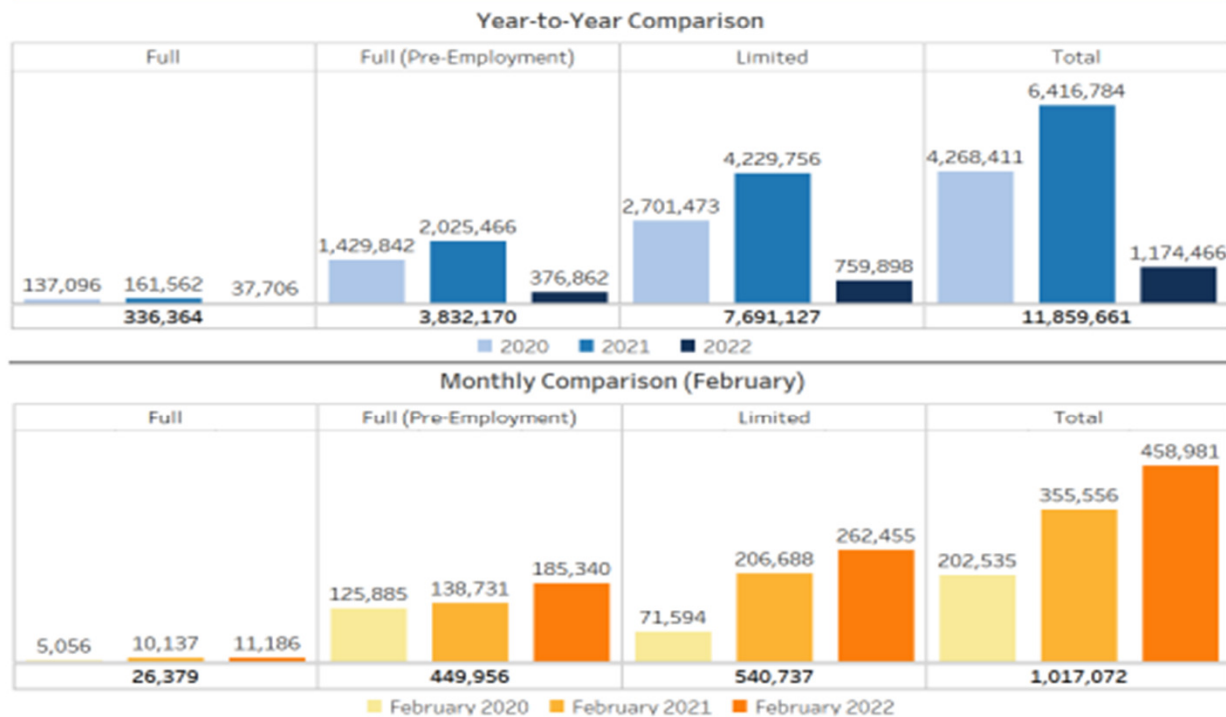
# Clearinghouse Rules

- Drivers must register if they want to be hired or; continue to work (if an annual query comes back with a violation)
- Queries started January 6, 2020 for any new hire driver in addition to 40.25 check still required
- Annual Queries performed January 5, 2021 (can be done more than once a year)

## QUERIES

Employers are required to conduct queries in the Clearinghouse when hiring a new CDL /CLP holder and annually for all CDL/CLP holders they currently employ.

### Queries Conducted



Queries conducted through February 2022, as of 3/1/2022.

The graph illustrates the number of each type of query conducted by employers, or their designated C/TPA since January 6, 2020. The full query total includes limited queries that have been elevated to full.

# What could be reported from the Clearinghouse to the Employer

- A verified positive, adulterated, or substituted controlled substances test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to a test in violation of §382.211;

# What could be reported from the Clearinghouse to the Employer

- An employer's report of actual knowledge, as defined at §382.107, of:
  - (i) On duty alcohol use pursuant to §382.205;
  - (ii) Pre-duty alcohol use pursuant to §382.207;
  - (iii) Alcohol use following an accident pursuant to §382.209; and
  - (iv) Controlled substance use pursuant to §382.213;

# What could be reported from the Clearinghouse to the Employer

- A SAP report of the successful completion of the return-to-duty process;
- A negative return-to-duty test needs to be entered into the Clearinghouse; and
- An employer's report of completion of follow-up testing

# Clearinghouse Open Violation Report

## Open Violations

### Return to Duty (RTD) Status

**Status:** Open - Determined Eligible for RTD Testing

SAP Request Sent: 6/15/2020

SAP Designated: 6/15/2020

Initial SAP Assessment: 6/14/2020

Determined Eligible for RTD Testing: 6/30/2020

RTD Test with Negative Result: Not Completed

Follow-Up Testing Plan: Not Completed

### Employer of Driver



# Federal Motor Carrier Safety Administration DRUG & ALCOHOL CLEARINGHOUSE

- ✓ Record
- ✓ Consent
- ✓ Query
- ✓ Safety

## QUERY PLANS

### QUERY PLAN BUNDLES

# \$1.25

Flat per query rate  
(limited or full)

- ✓ Flat per query rate (\$1.25), for limited and full queries
- ✓ Bundles customized to meet your business needs and never expire
- ✓ Options are available for high-volume users, see: <https://clearinghouse.fmcsa.dot.gov/Query/Unlimited>

Beginning fall 2019, registered employers will log into their Clearinghouse accounts to purchase their query plan.

Query plans may be purchased from the FMCSA Clearinghouse only.

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

Purchasing a query plan enables employers, and their designated consortia/third-party administrators (C/TPAs), to conduct queries on prospective and current drivers in the Clearinghouse.

### About Queries

A query is an electronic check in the Clearinghouse, conducted by an employer or their designated C/TPA, to determine if current or prospective employees are prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to unresolved drug and alcohol program violations.

#### There are two types of queries:

- **LIMITED QUERIES** check for the presence of information in the queried driver's Clearinghouse record. Driver consent is obtained outside the Clearinghouse.
- **FULL QUERIES** disclose to employers and designated C/TPAs detailed information about any resolved or unresolved violations in a driver's Clearinghouse record.

If a limited query returns a result that there is information recorded in the Clearinghouse about the queried driver, and the employer follows up with a full query to access the detailed violation information, the employer will only be charged once for both queries.

### Why do I need to purchase a query plan?

Employers are charged a fee for conducting queries in the Clearinghouse. Employers must purchase a query plan to ensure they or their designated C/TPAs can conduct queries. C/TPAs cannot purchase queries on behalf of employers.

*Note: Working with a C/TPA to manage a drug and alcohol testing program is a requirement of all owner-operators.*

#### The Clearinghouse final rule requires that employers conduct queries:

- As part of any pre-employment driver investigation.
- At least annually for every CDL driver currently employed.

#### Which query plan is right for me?

The query bundle you purchase will depend on the number of queries you will need to conduct.

#### Not sure how many queries you will need to conduct?

Select a query bundle large enough

### Questions?

[clearinghouse@dot.gov](mailto:clearinghouse@dot.gov)  
[clearinghouse.fmcsa.dot.gov](https://clearinghouse.fmcsa.dot.gov)

# Reporting A Violation

## Federal Motor Carrier Safety Administration DRUG & ALCOHOL CLEARINGHOUSE



### How to Report a Violation: C/TPAs

#### Violation Reporting Requirements

A consortium/third-party administrator (C/TPA) may assist an employer in meeting their Clearinghouse requirements, including reporting violations of FMCSA's drug and alcohol testing program. C/TPAs must accept an employer's designation in the Clearinghouse before they can access the Clearinghouse on that employer's behalf. Even if they designate a C/TPA, the employer retains ultimate responsibility for compliance. (Employers may choose to report violations themselves; see the [Reporting Violations for Employers Job Aid](#) for instructions.)

Owner-operators—that is, employers who employ themselves as CDL drivers, typically a single-driver operation—are required to designate a C/TPA in the Clearinghouse. Owner-operators may choose to report drug and alcohol program violations for any other drivers they employ, however, the C/TPA has the responsibility to report any drug and alcohol program violation incurred by the owner-operator.

#### Which violations are employers responsible for reporting?

Both employers and medical review officers (MROs) are required to report drug and alcohol program violations in the Clearinghouse per [§ 382.705](#). The table below identifies who is responsible for reporting each type of violation.

Employers also have reporting requirements regarding any drivers they employ who are undergoing a return-to-duty (RTD) process. [Learn more about the RTD process.](#)

Reporting Entity	Violations Reported to the Clearinghouse	Timeframe for Reporting
<b>Prospective/Current Employer of CDL Driver</b>	An alcohol confirmation test with a concentration of 0.04 or higher	Employers must report any drug and alcohol program violation information by the close of the third business day following the date on which the employer obtained the information.
	Refusal to test (alcohol) as specified in 49 CFR <a href="#">§ 40.261</a>	
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR <a href="#">§ 40.191</a>	
	Actual knowledge of a drug or alcohol violation, as defined in 49 CFR <a href="#">§ 382.107</a>	
<b>MRO</b>	Verified positive, adulterated, or substituted drug test result	MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)-required drug test. Any changes to the results report of a verified drug test must be reported to the Clearinghouse within one business day of making the changes.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR <a href="#">§ 40.191</a>	

# EMPLOYEE VIEW IN CLEARINGHOUSE

**FMCSA**

Federal Motor Carrier Safety Administration



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Sign in

## DRUG & ALCOHOL CLEARINGHOUSE



My Dashboard



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About ▾



Contact

**You have no drug or alcohol violations.**

Violations



Queries



RTD Process



Manage My Account

This is your Driver Dashboard, an overview of action items you need to take in the Clearinghouse. This includes responding to consent requests from prospective and current employers.

[Learn more about the consent request process](#)



**No Drug and Alcohol Violations**  
The Clearinghouse contains no information that prohibits you from operating a CMV.

### Query Consent Requests

[View All](#)

#### West Coast Trucking Co

Add DBA

**Pre-Employment**

01/20/2020: West Coast Trucking Co has asked to view your information ⓘ

I CONSENT



I DO NOT CONSENT



#### East Coast Trucking Co

**Pre-Employment**

01/15/2020: C/TPA on behalf of East Coast Trucking Co has asked to view your information ⓘ

I CONSENT



I DO NOT CONSENT



#### Southern Trucking Co

**Pre-Employment**

01/12/2020: Southern Trucking Co has asked to view your information ⓘ

I CONSENT



I DO NOT CONSENT



### Violation Summary

[View All](#)


**You have no violations reported in the Clearinghouse**





Violations

If you have questions about the information in your driver record, [contact us](#).

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## Regulations

Regulations issued by FMCSA are published in the Federal Register and compiled in the U.S. Code of Federal Regulations (CFR). Copies of appropriate volumes of the CFR in book format may be purchased from the Superintendent of Documents, [U.S. Government Printing Office](#), or examined at many libraries. The CFR may also be viewed online.

### Search

- [Search FMCSA Regulations and Interpretations - 49 CFR Parts 300-399](#)
- [Search HM Regulations - 49 CFR Parts 100-177](#)
- [Search HM Regulations - 49 CFR Parts 178-180](#)

Last updated: Monday, December 16, 2013

### Related Links

- [Electronic Code of Federal Regulations](#)
- [Frequently Asked Questions](#)
- [CFR 49 Part 40 - Drug & Alcohol Regulations](#)
- [CFR 49 Part 37 - Transportation Services for Individuals with Disabilities \(ADA\)](#)
- [CFR 49 Part 107- Hazardous Materials Program Procedures](#)
- [Drug and Alcohol Testing](#)
- [Hours-of-Service](#)
- [Hazardous Materials](#)

# QUESTIONS?

# Thank you!

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**integrity**testing  
& safety administrators

THE MOST IMPORTANT PART OF ANY SUBSTANCE ABUSE TESTING PROGRAM IS THE PEOPLE

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