

# DRUG & ALCOHOL CLEARINGHOUSE

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Idaho Trucking  
Association



# 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
- 3 TIMELINE**  
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- 4 USING THE CLEARINGHOUSE**  
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Registration will open in Fall 2019 to help you prepare for implementation
- 6 FOR MORE INFORMATION**  
Additional resources and information, as well as points of contact

# What is the Clearinghouse?

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## Tracking Violations: Current Process

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- 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**

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### **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](http://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

March 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



# Using the Clearinghouse

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## Who will be required to use the Clearinghouse?

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- ☑ 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.

# Queries and Consent Requests

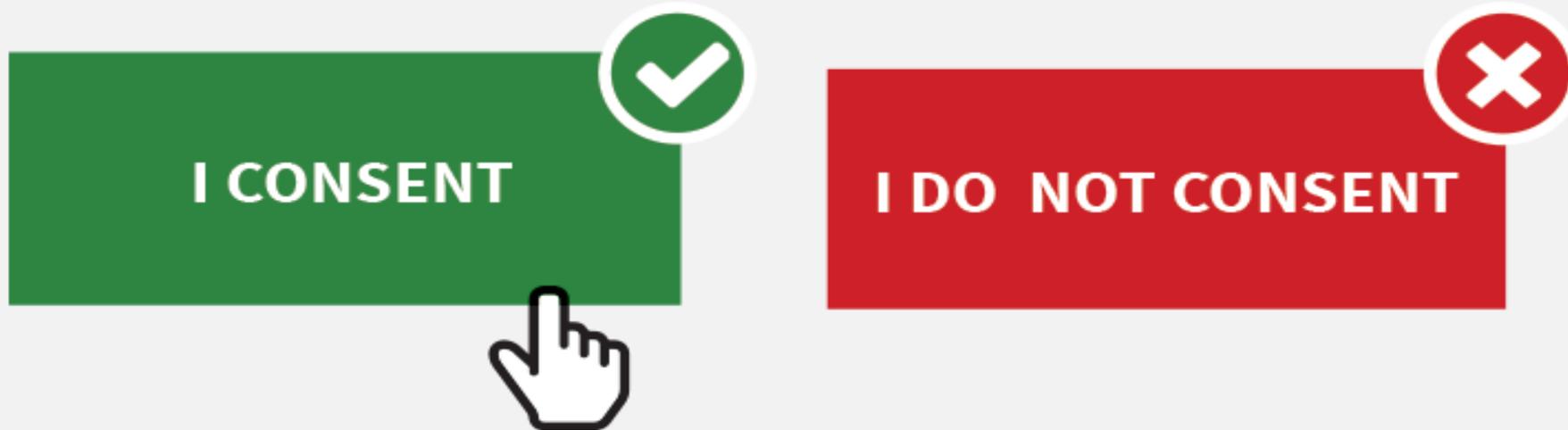
Employers will be required to query the Clearinghouse for:

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
<b>Pre-employment screening</b>	Full query – access full violation details	Specific consent – required for each full query; provided electronically in the Clearinghouse
<b>Annual verification</b>	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

# 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

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

- Subscribe for email updates
- Read frequently asked questions
- Download the Clearinghouse factsheet

Contact [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov)

