

# FMCSA Drug & Alcohol Clearinghouse



**ProDrivers®**  
Transportation Workforce Specialists

# Agenda



1. What is it?
2. Roles & Users
3. Cost & Penalties
4. Safety of Data
5. ProDrivers
6. Types of Queries
7. Limited Consent Form
8. Conduct Limited & Full Queries
9. Viewing Queries / Searching
10. Pre-Employment Refusal
11. Driver Registration
12. Reporting Violations



# What is the Clearinghouse?



Established by Act of Congress - Secretary of Transportation

- Clearinghouse Final Rule Published 12/05/16



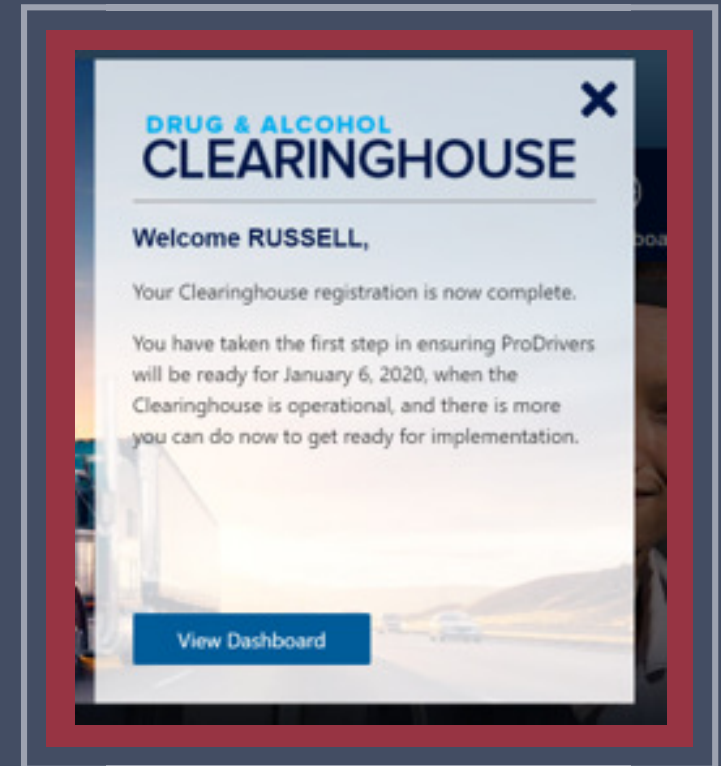
Provides Real-Time Information:

- Commercial Drivers License (CDL)
- Commercial Learning Permit (CLP)
  - Drug & Alcohol Violations



Secure Online Database:

- FMCSA
- State Driver Licensing Agencies (SDLAs)
- State Law Enforcement Personnel



**Clearinghouse went LIVE January 6th, 2020**

# What is the Intent / Purpose?

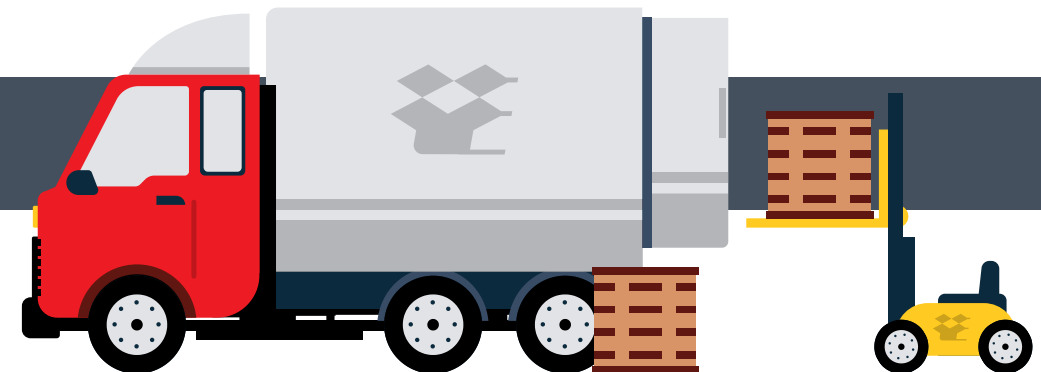
Remove drivers who violate regulation from the roads

Takes away the “I forgot to disclose to my employer my failed test results”

Helps driver seek help for substance abuse issues

Regardless of how many times the driver changes employers, seeks employment or applies for a CDL License in a different state, the **violations will follow them!**

Improving Highway Safety!





## Keeps Roads Safer

The online database helps keep roads safer for all drivers by identifying, in real time, drivers prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to a drug and alcohol program violation.

**FMCSR: 382.701-727**



Why Use  
Clearinghouse



# How Does It Work?

## Reporting

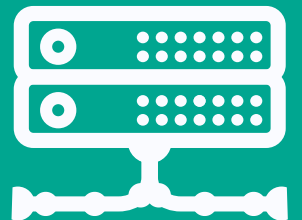
- FMCSA Regulated Employers
- Medical Review Officers (MROs)
- Substance Abuse Professionals (SAPs)
- Consortia / Third-Party Admins (C/TPAs)
- Other Service Agents

## Queries

- MUST Query Clearinghouse for Violations PRIOR to Permitting Employees to Operate CMV on Public Roads.
- Employers MUST Annually Query the Clearinghouse.
- May Run Limited or Full Query.



MUST Report Drug & Alcohol Violations in 49 Code of Federal Regulations, Parts 40 & 382 by Current and Prospective Employees.



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# Who Must Use Clearinghouse?



**Employers**



**CDL Drivers**



**Medical Review Officers**



**Substance Abuse  
Professionals**



**Consortium / Third-Party  
Administrators**



**State Driver  
Licensing Agencies**



# Who Is Affected?

## **ALL CDL Drivers who operate CMVs on Public Roads**

- Employers & Service Agents

### **Includes, but not limited to:**

- Interstate & Intrastate Motor Carriers - *Including Passenger Carriers School Bus Drivers*
- Construction Equipment Operators
- Limousine Drivers
- Municipal Vehicle Drivers - *Waste Management Vehicles*
- Federal & Other Organizations Employing Drivers - *Subject to FMCSA Drug & Alcohol Test Regulations*



# What's the Cost?

## \$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



### Unlimited Plan:

Expires 12 Months  
from Purchase

### Individual Plan:

Never Expires

Click [here](#)  
to learn more!

# What Payment Methods Are Accepted?



Electronic Fund Transfers from Bank Accounts (ACH)



Credit Card (Visa, MasterCard, American Express and Discover)



Debit Card (Visa, MasterCard)



Digital Wallet (Amazon Pay, PayPal)

- Digital Wallet payments cannot exceed \$10,000 per transaction.



Transactions will appear as “D&A Clearinghouse” on your Statement.



You will be directed  
to [pay.gov](https://pay.gov) to process  
your payment

# What are the Penalties?

**Those who do not comply with the FMCSA Clearinghouse Requirements are subject to civil and / or criminal penalties:**

49 U.S.C. 521(b)(2)(C)

Civil Penalties not to exceed \$2,500 for each offense





Clearinghouse Information is NOT Available to the Public



Only Authorized Users are able to Register and Access Information



Requires Authentication, via a login.gov Username and Password



Registered Drivers can access records at Any Time at No Cost



Violations only shared with Authorized Individuals / Companies



Information will only be used as Required to Enforce Regulations

## How is Data Protected?





# Can Driver Information be Changed?

The Final Rule provides a Petition Process for Drivers to Request Corrections to their Clearinghouse Record (§ 382.717)

Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.



# What is ProDrivers Role?

Commercial driver staffing agencies may employ CMV drivers who hold CDLs and are subject to FMCSA's drug and alcohol testing requirements in Part 382. The staffing agency supplies these drivers to motor carriers, generally on a short-term basis, to operate CMVs requiring a CDL. Are driver staffing agencies required to register in the Clearinghouse?

Whether, and how, a driver staffing agency would register in the Clearinghouse depends on whether the agency functions as an employer, a consortium/third-party administrator (C/TPA), or as both, depending on the services rendered.

The staffing agency **should register** in the Clearinghouse as an employer **if**: (1) **the staffing agency maintains its own DOT drug and alcohol testing program; and** (2) **is responsible for ensuring compliance with FMCSA's drug and alcohol testing requirements for the drivers it employs who are subject to those requirements.**

The staffing agency may register in the Clearinghouse as a C/TPA **if the motor carrier is responsible** for drug and alcohol program compliance, including fulfilling the employer's querying and reporting requirements, but designates the staffing agency to perform these functions on the carrier's behalf, as permitted by § 382.711(b).

If the staffing agency will perform both functions, it should create two separate Clearinghouse accounts; one as an employer and one as a C/TPA, using a different email address for each account.

Last Updated : February 25, 2020



# Responsibilities of ProDrivers on Your Behalf

## Agency

Federal Motor Carrier Safety Administration  
(FMCSA), DOT

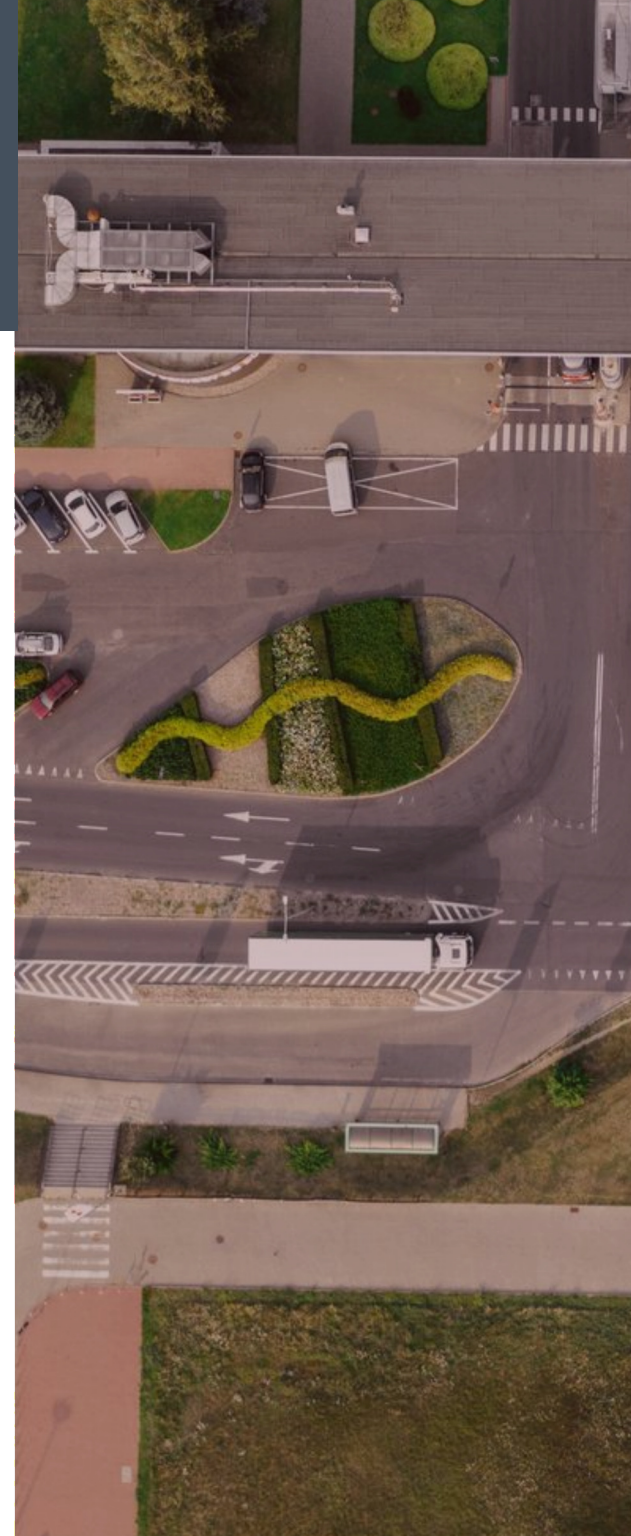
## Action

Notice of Enforcement Guidance

## Summary

Addresses commercial driver staffing agencies that employ commercial drivers who are supplied to motor carriers to operate commercial motor vehicles (CMV)

- If CMVs require a CDL, drivers are subject to the DOT controlled substances testing regulations.
- Under the FMCSR, a driver staffing agency may qualify as an employer.
- Federal Register / Vol. 81, No. 247 / Friday, December 23, 2016 / Notices.





# Supplementary Information

How is  
"Employer"  
Define?



**As defined in 49 CFR 382.107:**

- Encompasses driver staffing agencies that employ persons who operate CMVs and are subject to CDL requirements.

**As defined in 49 CFR 382.107:**

- Encompasses a person or entity employing one or more employees who are subject to DOT agency regulations requiring compliance with the DOT drug and alcohol program requirements in parts 40 and 382.





# What is a Query?

An electronic check of a driver's record in the Clearinghouse, as required of employers of CDL drivers per § 382.701.

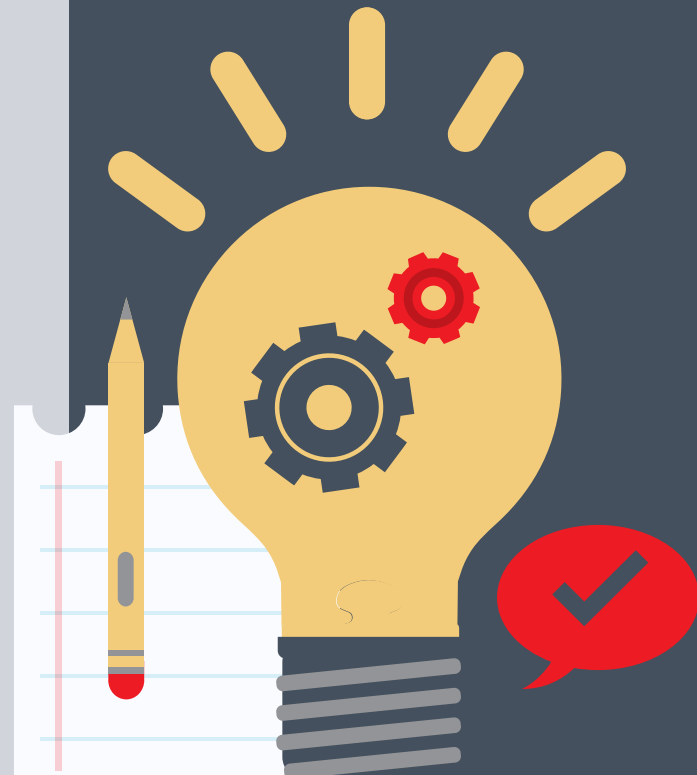
## What are the Different Types?

### 1. Full Query:

- Determines if a current or prospective employee is prohibited from performing safety-sensitive functions due to an unresolved drug and alcohol program violation.
- Obtaining a driver's electronic consent is required before conducting each full query.

### 2. Limited Query:

- Determines if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations.
- A violation is unresolved if the driver has not completed the return-to-duty (RTD) process.
- Consent must be on file with the employer and included in DOT/DQ file.



# Limited Query Consent Form

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

I, \_\_\_\_\_, hereby consent to ProDrivers conducting limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

This consent will be valid during the application process and during the entire duration I am employed with ProDrivers. I understand that this consent will allow ProDrivers to conduct an unlimited number of limited queries during my employment.

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

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

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Click [here](#) to access the sample form!



# What Results return from a Limited Query?

## DRIVER NOT PROHIBITED

If the limited query determines that there is no violation information in the driver's Clearinghouse record, the results will show "Driver Not Prohibited".

### Query Complete



#### Result: Driver Not Prohibited

No violation information was found in the Clearinghouse for the driver you queried.

The driver is not prohibited from performing safety-sensitive functions based on the information available in the Clearinghouse.

[View My Queries](#)

[Conduct Another Query](#)

## RECORD(S) FOUND; FULL QUERY NEEDED

If information related to a drug and alcohol program violation is present in the driver's Clearinghouse record, a notice appears stating "Record(s) Found; Full Query Needed".

### Query Complete



#### Result: Record(s) Found; Full Query Needed

Information related to drug and alcohol program violations has been found in the Clearinghouse record of the driver you queried. To determine if this driver is prohibited from performing safety-sensitive functions, you will need to conduct a full query.

You must obtain the driver's electronic consent before you can conduct the full query and access the driver's detailed information.

If the full query is not conducted within 24 hours, the driver must be removed from the system.

[Send Consent Request](#)

[Conduct Another Query](#)

Click [here](#) for Step-by-Step Instructions!

# Examples

### Query Overview

**Employer Conducting Query:** Joe Jones  
**Query Result:** Driver Not Prohibited  
**Query Status:** Completed (12/16/2019 9:38:41)  
**Conducted By:** DrugConsortiumLTD@gmail.com |  
**Query Type:** Limited | **Query Submitted:** Manually

Driver Information	Consent Information	Query History
<b>Name:</b> [REDACTED]	General consent provided outside of the	<b>Created:</b> 12/16/2019 9:38:41
<b>Date of Birth:</b> [REDACTED]	Clearinghouse	
<b>CDL/CLP ⓘ:</b> [REDACTED]		

### Open Violations

#### Employer Information

[REDACTED]

#### Driver Information

[REDACTED]

**DOB:** [REDACTED]    **CDL/CLP#:** [REDACTED]  
**Country:** [REDACTED]    **State:** [REDACTED]

#### Violation Information

**Test ID:** TEST.HMU56.SFE  
**Type of Violation:** Alcohol test refusal  
**Reason for Test:** Post-accident  
**Type of Test Refusal:** Failed to appear for any test

**Test Results Entered By**  
Drug Consortium LTD (11/9/2019 7:29:30 PM)

#### Notice to Appear

**Driver Notified:** 11/9/2019 7:29:30 PM  
**Testing Site Location:** 123 Main St, Cambridge, MA 02446, US  
**Date and Time to Appear:** 11/10/2019 8:00:00 AM

Click [here](#) for Step-by-Step Instructions!



# What is a Refusal to take DOT Drug Test?

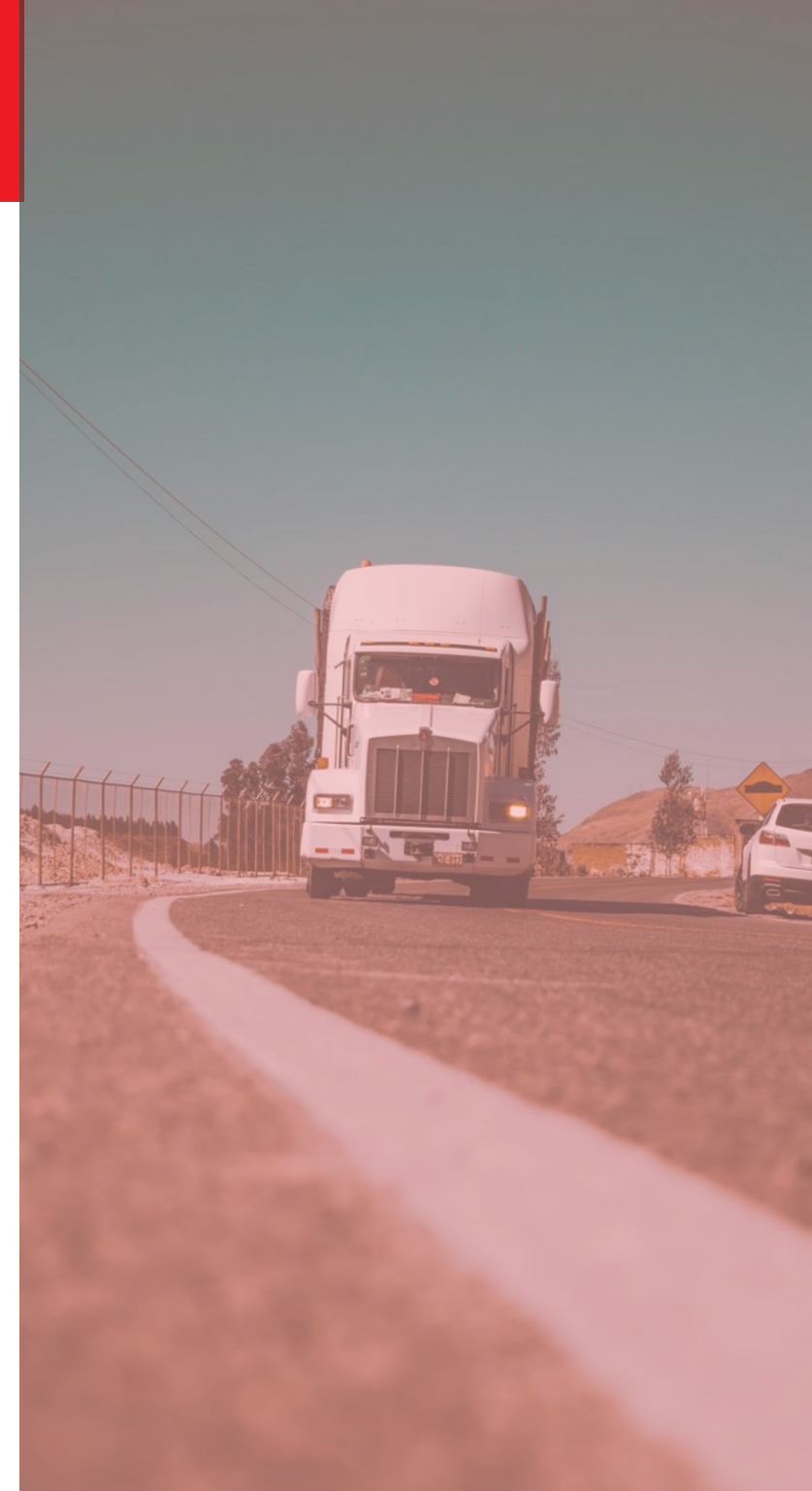
**There are many  
circumstances  
that constitute a  
refusal**



**These include, but are not limited to:**

- Failure to appear for any test (except pre-employment).
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine specimen for any drug test required.
- Failure to undergo a medical examination or evaluation.
- Failure to cooperate with any part of the testing process.
- Failure to follow observers instructions.

Click [here](#) to learn more!

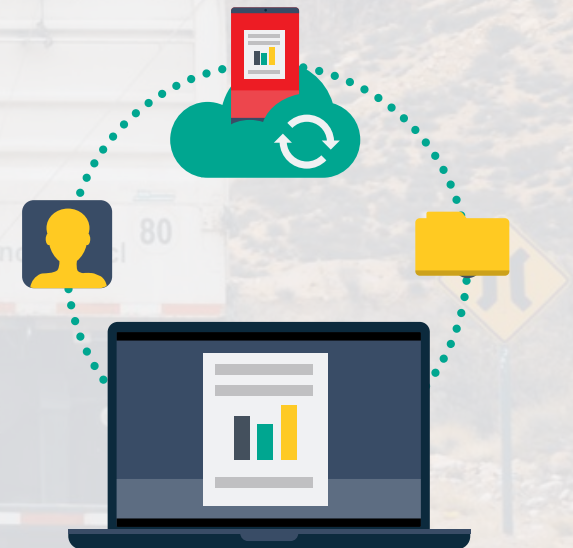


# Are Current Drivers Required to Register?

## Driver Registration is NOT required for Current Drivers

- Run a Limited Query on a Currently Employed Driver if the Driver has been Employed Prior to **January 5, 2020**.
- If Limited Query Returns with Notification of Data Present then a Full Query is Required.
- Employers cannot create a Profile for a Driver.

Click [here](#) for Registration Information for New Drivers.



# What is the Medical Review Officer's Role?

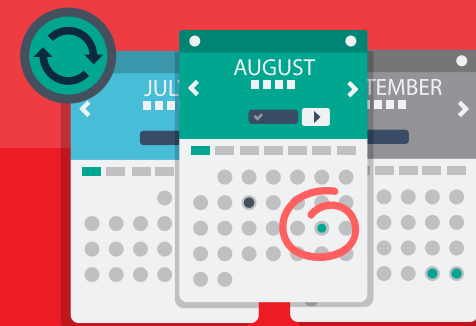


## Within 2 Business Days MRO Must Report:

- Verified Positives
- Adulterated
- Substituted Controlled Substances
- Refusals-To-Test



The MRO Must Report any Changes of a Verified Drug Test within 1 Business Day of Making any Changes to the Reported Results.



# What is the Employer's Role?



## Employers will be required to:

- Report Drug & Alcohol Violations
- Report Negative Return to Duty Results
- Report Successful Completion of Driver's Follow-Up Testing Plan
- Report any Refusal to Test not Reported by MRO
- Report ALL Information by Close of 3rd Business Day



This will include alcohol test results with a concentration of .04 or greater

### Example 1:

Driver is instructed to report for a DOT test purpose and does not report for test. MRO would not report, employer must.

### Example 2:

Driver reported but did not comply or complete test.





# What is Actual Knowledge?

## Employers

Have actual knowledge that a driver has used alcohol or controlled substances in violation of Subpart B of Part 382.

Must report to the Clearinghouse in accordance with § 382.705(b)(4).

## Service Agents

Such as a consortium/third-party administrator (C/TPA).

Acting on the employer's behalf, may also report actual knowledge violations, as long as they comply with the reporting requirements in § 382.705(b)(4).

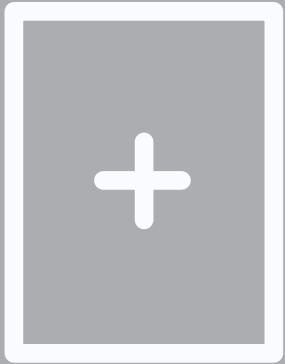


# Actual Knowledge As Defined in § 382.10:

- Employer's Direct Observation of the Employee.
- Information provided by the Driver's Previous Employer(s).
- A Traffic Citation for Driving a CMV while under the Influence of Alcohol or Controlled Substances.
- Employee's Admission of Alcohol or Controlled Substances Use, Except as Provided in § 382.121.



# What is SAPs Role?



## Must Report RTD Activities:

- Report Specific Information about CDL Return to Duty Activities.


## Including:

- Date of Completion of Initial SAP Assessment.
- Date of Eligibility of RTD Testing Determination per [§ 382.705\(d\)](#).



# What is SDLAs Role?

## Query Clearinghouse Prior to Licensing:

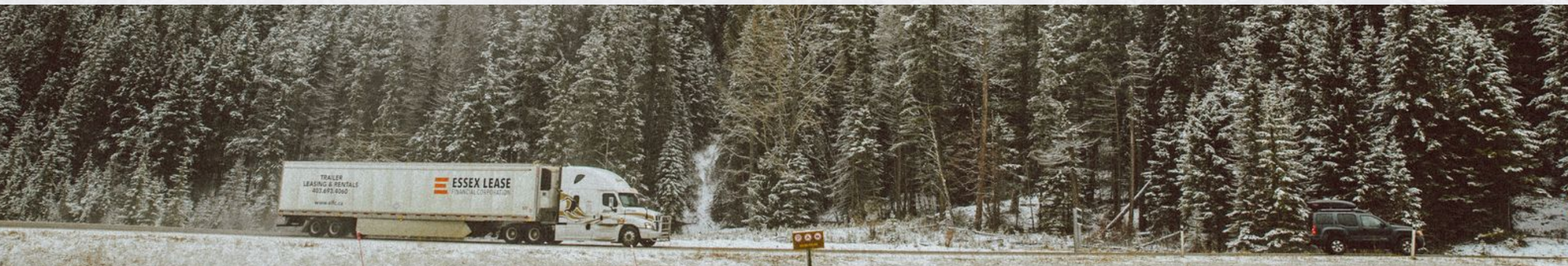
- Issuance
  - Renewal
  - Transfer
  - Upgrade of Commercial Driver's License (CDL).
- 
- FMCSA has extended the compliance date for the requirement established by the Clearinghouse final rule that states query the Clearinghouse before completing certain CDL transactions.
  - Began on January 6, 2020, is delayed until January 6, 2023.
  - SDLAs currently have the option to voluntarily query the Clearinghouse.





## Some Tips to Remember...

- Watch for Leading Zero on License Issues
- How the Driver Entered their License MUST match what the Employer Enters
  - **Example:** B123456 is entered but the driver entered their profile and enter 123456, no match will report.







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## Questions?



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