FMCSA Clearinghouse
FREQUENTLY ASKED QUESTIONS

1. WHAT IS THE DRUG AND 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.

- 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.

2. ANY CHANGES IN THE EXISTING DRUG AND ALCOHOL REQUIREMENTS?

- No, the final rule does not change any existing requirements in the U.S. Department of Transportation (DOT)-wide procedures for transportation workplace drug and alcohol testing.

3. DOES THE CLEARINGHOUSE FOLLOW CDL RESULTS FROM STATE TO STATE?

- Yes. The Clearinghouse will identify drivers who move frequently and obtain CDLs in different states and link those CDLs, in order to maintain complete and accurate information on such drivers.

4. HOW DO AUTHORIZED USERS SIGN UP?

- Employers, drivers, medical review officers (MROs), substance abuse professionals (SAPs), and consortia/third-party administrators (C/TPAs) must register in the Clearinghouse to access the Clearinghouse.

- Instructional job aids are available for:
    - Employers
    - CDL drivers
    - Consortia/third-party administrators
    - Medical review officers
    - Substance abuse professionals

- Employers, C/TPAs, MROs, and SAPs can also invite users to complete required actions in the Clearinghouse on their behalf. These users would register as Clearinghouse Assistants.

5. ARE DRIVERS REQUIRED TO SIGN UP?

- Drivers are not required to register for the Clearinghouse. However, a driver will need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's Clearinghouse record—this will include all pre-employment queries beginning on January 6, 2020.
- A driver must also be registered to electronically view the information in his or her own Clearinghouse record.
- Drivers who register before January 6, 2020, will have their Clearinghouse accounts and contact preferences set up, allowing them to quickly respond to query requests from employers on or after January 6, 2020. Registration is available at https://clearinghouse.fmcsa.dot.gov/register.
- State drivers licensing agencies
- SDLAs will be able to query the Clearinghouse prior to completing licensing transactions, such as the issuance, renewal, transfer, and upgrade of a commercial driver's license (CDL).
- In a recent Notice of Proposed Rulemaking (NPRM), the Federal Motor Carrier Safety Administration (FMCSA) proposes to extend the compliance date for the requirement established by the Clearinghouse final rule that states query the Clearinghouse before completing certain CDL transactions. The SDLAs' mandatory compliance with this requirement, currently due to begin on January 6, 2020, would be delayed until January 6, 2023.
- The NPRM proposal would, however, allow SDLAs the option to voluntarily query the Clearinghouse beginning on January 6, 2020.

6. HOW DOES THE CLEARINGHOUSE IMPACT CDL EMPLOYERS?

- The Clearinghouse will offer employers a centralized location to query driver information and report drug and alcohol program violations incurred by their current and prospective employees holding CDLs and CLPs. The employer must use the Clearinghouse to:
  - Conduct a full query of the Clearinghouse as part of each pre-employment driver investigation process.
  - Conduct limited queries at least annually for every driver they employ.
  - Request electronic consent from the driver for a full query, including pre-employment queries.
  - Report drug and alcohol program violations.
  - Record the negative return-to-duty (RTD) test results, and the date of successful completion of a follow-up testing plan for any driver they employ, with unresolved drug and alcohol program violations.

7. WHAT TYPES OF DRIVERS AND EMPLOYERS WILL THIS AFFECT?

- All CDL drivers who operate CMVs on public roads and their employers and service agents. This includes, but is not limited to:

- Interstate and intrastate motor carriers, including passenger carriers
- School bus drivers
- Construction equipment operators
- Limousine drivers
- Municipal vehicle drivers (e.g., waste management vehicles)
- Federal and other organizations that employ drivers subject to FMCSA drug and alcohol testing regulations (e.g., Department of Defense, municipalities, school districts)
- Will the driver's SSN or EIN be entered in the clearinghouse?
- No. The final rule requires the driver's commercial driver's license (CDL) number and issuing State will be used when reporting a drug and alcohol program violation in the Clearinghouse.

8. WHAT CAN A CLEARINGHOUSE ASSISTANT DO?

- Employers and C/TPAs can assign Assistants to conduct queries and report drug and alcohol program violation information on their behalf. MROs and SAPs can assign Assistants to enter information in the Clearinghouse on their behalf.

- EMPLOYERS
    - Accessing the Clearinghouse requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse. If they do not have a login.gov account, or would like to create a new one, they need to register at the login.gov site.
    https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Employer-Instructions
    - Designating a C/TPA is a requirement for owner-operators (employers who employ themselves as CDL drivers, typically a single-driver operation). Owner-operators must designate a C/TPA before they can conduct queries or report violation information in the Clearinghouse.
    - The steps you will take to register as an employer in the Clearinghouse will depend on whether or not you have an FMCSA Portal account. The FMCSA Portal is a web system that allows employees of motor carriers to access FMCSA web systems. If your company has, or should have a USDOT Number, you should request an FMCSA Portal Account prior to registering for the Clearinghouse.

9. WHAT INFORMATION MUST EMPLOYERS REPORT TO THE CLEARINGHOUSE?

- Per § 382.705(b), employers must report the following information to the Clearinghouse:
    - An alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
    - A CDL driver's refusal to submit to a Department of Transportation (DOT) test for drug or alcohol use;
    - Actual knowledge, as defined in § 382.107;
    - The negative RTD test results;
    - The date the driver successfully completed all follow-up tests as ordered by the substance abuse professional (SAP).

10. ARE EMPLOYERS TO CONDUCT PPE AND ANNUAL QUERIES FOR ALL CDL DRIVERS?

- Yes. An employer is required to conduct pre-employment and annual queries for all drivers subject to drug and alcohol testing under 49 CFR Part 382.
- While the employee may perform more than 50% of their functions for a mode other than FMCSA, possibly placing the employee in that agency's random pool, the Clearinghouse query requirements apply as long as the employee performs any FMCSA-regulated functions.

CDL Drivers
- must complete the registration process before they can respond to employer consent requests or access their driver record in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. The instructions are for a driver who holds either a commercial driver's license (CDL) or commercial learner's permit (CLP).

https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-Driver-Instructions

C/TPAs
- Consortia/third-party administrators (C/TPAs) must be registered before they can be designated by an employer in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. Creating a Login.gov account accessing the Clearinghouse, requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse.

https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-CTPA-Instructions

MRO

Medical review officers (MROs) must complete the registration process before they are able to report drug and alcohol program violations in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. Creating a Login.gov account accessing the Clearinghouse, requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse. If you do not have a login.gov account, or would like to create a new one, you will need to follow the steps on the web site:

https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-MRO-Instructions

MRO Responsibilities
- Within two business days of making a determination or verification, of a Department of Transportation (DOT)-approved drug test, an MRO must report:
    - Verified positive, adulterated, or substituted controlled substances test results; or Refusal-to-test determination.
    - The MRO must report any changes of a verified drug test within one business day of making any changes to the reported results.
    - Registration is required to complete these actions—visit https://clearinghouse.fmcsa.dot.gov/Register to register.

SAP

- Substance abuse professionals (SAPs) must be registered before they can be designated by a driver in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. An SAP should not confirm a designation without having established a working relationship with that driver. Once designated, an SAP can report in the Clearinghouse a driver's initial assessment completion date and the date a driver is eligible for return-to-duty testing. Creating a Login.gov account accessing the Clearinghouse requires the creation of an account with login.gov, a shared service that offers secure online access to participating government systems, including the Clearinghouse. If you do not have a login.gov account, or would like to create a new one, you will need to follow the steps on the following web site. https://clearinghouse.fmcsa.dot.gov/Resource/Index/Registration-SAP-Instructions

Clearinghouse assistants

- Employers, C/TPAs, MROs, and SAPs can also invite users to complete required actions in the Clearinghouse on their behalf. These users would register as <u>Clearinghouse Assistants</u>.

QUERY PLAN

1. **WHY DO YOU 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 and 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 (employers who employ themselves as CDL drivers).

  QUERIES

- 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.

2. **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 to cover the amount of drivers you currently employ. You can purchase additional plans as needed.

3. **HOW DO I MANAGE MY COMPANY'S CLEARINGHOUSE USER ACCOUNTS?**

- Employers, consortia/third-party administrators (C/TPAs), medical review officers (MROs), and substance abuse professionals (SAPs) will identify an individual for their company to serve as a Clearinghouse Administrator. These Clearinghouse Administrators have the option to invite users to serve in an Assistant role, enabling them to use the Clearinghouse on their company's behalf.

- MROs and SAPs can assign assistants to enter information on their behalf.
- Employers and C/TPAs can assign assistants to conduct queries and/or report violation information on their behalf.
- Employers that require a USDOT number will manage these Clearinghouse Administrator and Assistant roles via the Federal Motor Carrier Safety Administration (FMCSA) Portal. (*Are you a motor carrier without a Portal account? If so, you can register for one now. Make sure all users at your company create their own Portal account with the proper Clearinghouse user role.*) Other Clearinghouse Administrators will be able to invite and manage assistants once they are registered in the Clearinghouse.

4. HOW IS THE DRIVER'S VIOLATIONS AND RETURN TO DUTY RECORDED?

- Per § 382.705, the following individuals will report the following information:
  - Employers, or consortia/third-party administrators (C/TPAs) acting on behalf of an employer, enter drug and alcohol program violation information into the Clearinghouse.
  - Medical review officers (MROs) enter drug violation information. The driver does not need to be registered in the Clearinghouse for a violation to be added to their Clearinghouse record.
  - Substance abuse professionals (SAPs) enter the date of initial SAP assessment and date the driver is eligible for RTD testing.
  - Employers will enter the negative RTD test result(s) and the date the driver's follow-up testing plan has been successfully completed.

5. CAN A C/PTA REGISTER AND EMPLOYER?

No. As part of the Clearinghouse registration process, each authorized user must obtain their own unique login.gov credentials and will use these credentials to access the Clearinghouse. For security reasons, a user verification process must be completed to ensure that only the authorized user is using their credentials.

ADDITIONAL INFORMATION: https://clearinghouse.fmcsa.dot.gov/