

Preparing for the New Drug and Alcohol Clearinghouse

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Drug & Alcohol Clearinghouse

- Goal of the Clearinghouse
- What is the Clearinghouse
- Data Security
- What will be reported
- Website information
- Requirements





Goal of the Clearinghouse

- Provide the necessary tools to identify drivers who are prohibited from operating a CMV based on DOT drug and alcohol violations.
- Specifically, enable employers to identify drivers who commit a drug or alcohol violation while working for one employer, but fail to inform another employer.





What is the D&A Clearinghouse?

- A real-time online database that includes D&A violations for CDL and CLP holders.
- Contains records of D&A violations, including positive and test refusal results.
- It will also contain records of return-to-duty and follow-up testing plan completion.





Data Security

- The Clearinghouse meets Federal Security Standards and FMCSA will verify the effectiveness of the protections on a regular basis.
- Only full queries, which require verified driver consent, will result in the release of violation records to prospective or current employers.

What will be reported

- A verified positive, adulterated, or substituted controlled substance test
- Refusal to test (includes failure to appear)
- A verified positive alcohol test above .04
- DUI citation or conviction in a CMV
- Actual knowledge of illicit alcohol or drug use
- Negative return-to-duty
- Completion of follow-up





Retention of records

Violations will stay on the Clearinghouse record for a period of 5 years.

OR

Forever, if a driver does not complete a certified SAP program after a violation



Website Registration

Employers must register on the Clearinghouse website to conduct a query

REGISTRATION IS CURRENTLY OPEN



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




Website Registration

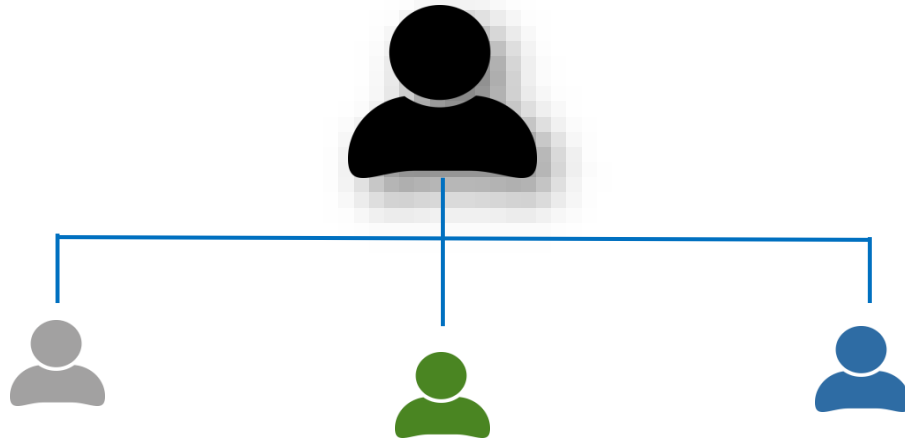
- Drivers are required to be registered when:
 - An employer is required to conduct a Full Query
 - During the Pre-Employment process
 - If a violation is found during a limited query

[Register](#) 



Third Party Administrator

- ILC recommends that company owners register as the Administrator and assign authorized company users as well as their designated TPA
- ILC is a registered Third Party Administrator 



Requirements

- Employers are required to register their company and assign a Clearinghouse Administrator
- Employers are required to conduct a full query during a pre-employment investigation for drug and alcohol violations **BEFORE** permitting those drivers to operate a CMV on public roads
- Employers are also required to conduct a limited query annually for each driver they currently employ or contract. If a violation is found, a full query is required.



Requirements

- Driver's are required to give consent to any full query requests. This process of consent will be conducted through the Clearinghouse system.
- Driver's who have a drug or alcohol violation in the Clearinghouse and enter the return to duty process must choose a SAP program





Requirements

- Owner Operators are subject to the requirements pertaining to employers as well as those pertaining to drivers.
- Owner Operators (an employer that employs himself or herself as a commercial driver's license (CDL) driver, typically a single-driver operation) must designate their C/TPA(s) as part of their Clearinghouse registration process.



Requirements

- All driver's are required to give consent to any full query requests. This process of consent will be conducted through the Clearinghouse system.
- All driver's who have a drug or alcohol violation in the Clearinghouse and enter the return to duty process must choose a SAP program
- All drivers will be notified any time information is added, revised or removed.





Requirements

The Clearinghouse rule requires Employers, MRO's, SAP's, and TPA's to report to the Clearinghouse any information related to violations of the drug and alcohol regulations by current and prospective employees.

Information Challenges

- Driver's will be able to request corrections on their Clearinghouse record.
- Driver's may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.



State to State Information

The Clearinghouse has been designed to and will identify drivers who move from State to State and link that information to maintain complete and accurate CDL information.



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Queries

- Who has access
- Limited queries
- Full Queries
- Fees





Who has Access

- Employers/TPAs, will query the system through an online search for violations that would prohibit the driver from performing safety-sensitive functions.
- State driver licensing agencies will query the system when a driver obtains, renews, upgrades or transfers their CDL
- The NTSB will be able to access information for drivers involved in any crash under investigation by the NTSB





Limited Queries

- Limited queries allow employers to determine if an individual's record has any information about resolved or unresolved drug and alcohol program violations. It does not release any specific violation information.
- Limited queries require only a general driver consent, which is obtained outside the Clearinghouse.
- A limited consent request must specify the timeframe the driver is providing consent for. ie date of hire to termination

Full Queries

- A full query allows the employer to see detailed information about any drug and alcohol program violations in a driver's record.
- An employer must obtain the driver's electronic consent **in the Clearinghouse** prior to the release of detailed violation information during the full query.
- A full query is required during a pre-employment investigation. It is also required if a violation is found during a limited query





Fee's

- Employers will be charged a fee to conduct queries within the Clearinghouse.
- If a limited query returns a result that there is information recorded in the Clearinghouse, and the employer follows up with a full query, the employer will only be charged once for both queries.
- There will not be a fee for registration or other Clearinghouse activities.

Query Fees

UNLIMITED QUERY PLAN

\$24,500

One annual payment

✓ Expires 12 months after date of purchase*

** **Note:** Unlimited query plans purchased prior to January 6, 2020 will go into effect on January 6, and will expire on January 5, 2021.*

Purchase the unlimited plan **ONLY** if you know you will conduct 19,600 queries each year.



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Query Fee

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





Query Fees

- All employers of CDL driver must purchase a query plan.
- Query plans may only be purchased from the FMCSA Clearinghouse.
- Query plans enable employers and designated TPAs to conduct limited and full driver queries.



Query Fees

- Accurately purchasing a query bundle will depend on the number of queries you expect to conduct.
- Employers are able to purchase additional query plans as needed
- ILC recommends you use the following formula
 - Number of current drivers + turnover rate
 - 100 drivers + 80% turnover = 180 queries



Registration

Registration is now open

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

ELDs and Drug & Alcohol Clearinghouse Seminar Dec. 5

What will be covered:

Electronic Logging Devices

- Who is required to comply
- Unassigned miles & what to do with them
- Roadside inspection - What to expect
- ELD functions and transfers
- What to do when an ELD malfunctions
- Required documentation & equipment
- Auditing ELDs
- Supporting documents & how to retain
- Rental vehicle use and ELDs

Drug & Alcohol Clearinghouse

- What is the Clearinghouse
- Clearinghouse goals
- Registration information
- Requirements of drivers & employers
- Query information & accessibility
- What will be reported and how
- Record retention requirements
- Data security information
- Website information & other resources

- Date & Time: Thursday, Dec. 5, 9 a.m. – 12 p.m. CT
- Location: Integrated Loss Control, ILC
5985 Rice Creek Parkway, Ste. 102
Shoreview, MN 55126
- Hosted by ILC with Tom Deutsch presenting.
- Contact us at stacy.monroe@northriskpartners.com for a complimentary seat.
- **Space is limited.**
- North Risk will sponsor up to two people per company.
- RSVP by Wednesday, Nov. 27.



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