Agenda

1. OVERVIEW OF THE CLEARINGHOUSE
   About the Congressional mandate and what it means

2. USING THE CLEARINGHOUSE
   Required actions users must take once the Clearinghouse is operational

3. REPORTING VIOLATIONS
   Violations reported to the Clearinghouse

4. REPORTING RETURN-TO-DUTY (RTD) INFORMATION
   Return-to-Duty information reported to the Clearinghouse

5. NEXT STEPS & MORE INFORMATION
   How you can prepare for implementation, learn more, and get technical support
Overview of the Clearinghouse
The FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse

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 keeps driver information secure

- Only selected registered users, including employers and FMCSA, can register and access the Clearinghouse for designated purposes
- Other enforcement agencies, such as SDLAs and State law enforcement agencies, only receive driver eligibility status
- Drivers can access their own information, but not information of other drivers
- The Clearinghouse meets all relevant Federal security standards and FMCSA will verify the effectiveness of security protections regularly
The Clearinghouse Final Rule

- Mandated by Congress (MAP-21, Section 32402)
- Published December 5, 2016
- Established requirements for the Clearinghouse
- Identified January 6, 2020 as the Clearinghouse implementation date

Read the Clearinghouse final rule at:
Increasing safety on our Nation’s roadways

Real-time access to reported violation information for select registered 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
Using the Clearinghouse
Who is required to use the Clearinghouse?

- Drivers who hold commercial driver’s licenses (CDLs) or commercial learner’s permits (CLPs)*
- Employers of CDL drivers who operate commercial motor vehicles (CMVs)
- Consortia/third-party administrations (C/TPAs)
- Medical review officers (MROs)
- Substance abuse professionals (SAPs)
- State Drivers Licensing Agencies (SDLAs)

*who need to respond to employer consent requests
What actions will users take in the Clearinghouse?

- **Record** – Drivers’ drug and/or alcohol program violations, and other related information in the Clearinghouse

- **Consent** – Authorization to conduct a query
  - Requested by employers or C/TPAs
  - Provided or refused by drivers

- **Query** – Determine if the Clearinghouse contains any records for the queried driver

Users must register in the Clearinghouse to complete the actions listed above.

Learn more about the specific actions each user can take at:

https://clearinghouse.fmcsa.dot.gov/Resource/Index/User-Roles
Medical Review Officers (MROs) and Substance Abuse Professionals (SAPs)

- **MROs:**
  1. **WORK** for MRO company(ies), or self-employed
  2. **REGISTER** for the Clearinghouse and self-certify qualifications
  3. **ENTER** drug violation information into the Clearinghouse
  4. **INVITE** MRO Assistant(s) to enter violation information on their behalf

- **SAPs:**
  1. **WORK** for SAP company(ies), or self-employed
  2. **REGISTER** for the Clearinghouse and self-certify qualifications
  3. **ENTER** RTD information into the Clearinghouse (date initial assessment completed, date driver eligible for RTD test)
  4. **INVITE** SAP Assistant(s) to enter RTD information on their behalf

All **Assistants** must be invited to register in the Clearinghouse.

**Driver** must designate the SAP in the Clearinghouse before the SAP may enter RTD information about the driver in the Clearinghouse.
### What information are MROs and SAPs required to report?

<table>
<thead>
<tr>
<th>INFORMATION TO BE REPORTED TO CLEARINGHOUSE</th>
<th>DEADLINE FOR REPORTING INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MRO</strong></td>
<td></td>
</tr>
<tr>
<td>Verified positive, adulterated, or substituted drug test result</td>
<td>Within two business days of making a determination or verification of a DOT-approved drug test</td>
</tr>
<tr>
<td>Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR 40.191</td>
<td></td>
</tr>
<tr>
<td>Changes to a verified drug test per 49 CFR Part 40</td>
<td>Within one business day of making any change in the reported results</td>
</tr>
<tr>
<td><strong>SAP</strong></td>
<td></td>
</tr>
<tr>
<td>Identification of driver and date the initial assessment was initiated</td>
<td>By the close of the business day following the date of initial assessment</td>
</tr>
<tr>
<td>Date of determination of eligibility for RTD testing</td>
<td>By the close of the business day following the determination that the driver completed the RTD process</td>
</tr>
</tbody>
</table>
What information are employers or C/TPAs required to report?

<table>
<thead>
<tr>
<th>INFORMATION TO BE REPORTED TO CLEARINGHOUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>An alcohol confirmation test with a concentration of 0.04% or higher.</td>
</tr>
<tr>
<td>Refusal to test (alcohol) as specified in 49 CFR 40.261.</td>
</tr>
<tr>
<td>Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.</td>
</tr>
<tr>
<td>Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.</td>
</tr>
<tr>
<td>Negative RTD test results (drug and alcohol testing, as applicable)</td>
</tr>
<tr>
<td>Completion of follow-up testing.</td>
</tr>
</tbody>
</table>
Reporting Violations in the Clearinghouse
What violation information do MROs need to report?

- Employer information
  - Company name and address (if available)
  - USDOT number (if applicable)

- Driver information
  - Driver's name, date of birth, and commercial driver’s license (CDL) number and state/country of issuance

- Reason for the test

- Date of test

- Date of verified result

- Specimen ID number
  - Listed on the Federal Drug Testing Custody and Control Form (CCF)
**Recording Data - MRO**

- **Employer Information**
  - Company name and address (if available)
  - USDOT Number (if available)
  - Information is about the employer of the **driver** not the MRO
Recording Data - MRO

- **Driver Information**
  - Driver's name, date of birth, and CDL number and state/country of issuance
    - **IMPORTANT**: Driver social security number (SSN) cannot be entered in the Clearinghouse
  - Information will be verified against FMCSA systems
    - MRO will have two attempts to enter the driver's information correctly
    - If the information cannot be validated, it will be flagged for review by FMCSA (data will still be accepted)
CDL Information

- What happens if the CDL information is not listed on the CCF?
  - CDL number **must** be used instead of the SSN or EIN when FMCSA-covered drivers’ positive drug or alcohol test results are reported to the Clearinghouse.
  - CCF must annotate the driver’s CDL number and state of issuance in **Step 1, Section C** of the CCF for each FMCSA-regulated test.
  - Driver’s CDL number and state of issuance must also be noted on the **Alcohol Testing Form (ATF)**.
  - If the employer or C/TPA does not provide the CDL and the state of issuance, the collector should ask the driver for this information at the collection site.

<table>
<thead>
<tr>
<th>What does this mean for laboratories?</th>
<th>What does this mean for the MRO?</th>
</tr>
</thead>
</table>
| Laboratories should process the urine specimen without delay and send the results to the MRO | • The MRO should contact the driver, driver’s employer, or designated employer representative to obtain the information.  
• After receiving the CDL information, the MRO will report the verified positive test result in the Clearinghouse. |
Recording Violation Data – Positive drug test

- **Violation Information**
  - Reason for the test, date of test, date of verified result, specimen ID number, and test result

**ENTER THE TYPE OF VIOLATION (SELECT ONE):**

- Positive drug test
- Refusal to take a drug test

What was the reason for the test?

Date of Test  
Date of Verified Result

Specimen ID Number

**TESTED POSITIVE FOR (SELECT ALL THAT APPLY):**

- Marijuana Metabolite (Δ9-THCA)
- Cocaine Metabolite (BZE)
- PCP
- Methamphetamine
- Amphetamine
- MDMA
- MDA
- 6-Acetylmorphine
- Morphine
- Codeine
- OXYC
- OXYM
- HYC
- HYM

DILUTE
Recording Violation Data – Refusal to take a drug test

- Select the reason for the test
  - Pre-employment
  - Random
  - Post-accident
  - Return-to-duty
  - Follow-up
  - Reasonable suspicion

- Indicate the type of test refusal

- Provide the date of test and specimen ID number
  - Date of verified result for adulterated/substituted specimen

- Remarks/additional information (if any)
Frequently Asked Questions

- Will I report violations that occurred prior to January 6, 2020 to the Clearinghouse?
  - No, only violations that occur on January 6, 2020 or later.

- How long is the violation information retained in the Clearinghouse?
  - 5 years or until the follow-up testing plan is successfully completed, whichever is later.

- Will a prospective employee’s drug and alcohol violation history with other DOT modes be available in the Clearinghouse?
  - No, the Clearinghouse will contain only drug and alcohol program violation information for employees subject to the testing requirements under the Federal Motor Carrier Safety Regulations in 49 CFR Part 382.

- Can an MRO or employer report a drug and alcohol program violation if the driver is not registered for the Clearinghouse?
  - Yes. The Clearinghouse will associate the violation with a driver’s CDL information. This will be recorded even if the driver has not registered for the Clearinghouse.
Frequently Asked Questions

- Can an MRO or SAP view drug and alcohol violation history of a driver?
  - No, due to privacy requirements, this information is not shared with MROs or SAPs.
  - MROs and SAPs can review information they have reported.

- Will an API (application programming interface) be available for an MRO to upload results into the Clearinghouse?
  - No, at the initial launch an API will not be available for this function. FMCSA is considering this functionality.

- Does the MRO receive a confirmation number when submitting information?
  - A transaction ID will be displayed to the user.

- How does an MRO Assistant enter information for an MRO into the Clearinghouse?
  - Assistant receives an invitation to register for the Clearinghouse from the MRO
  - Assistant must complete their own registration for the Clearinghouse
  - Assistant can be associated with one or more MROs
  - MRO and Assistant will be able to view information that was entered by other MROs and Assistants at the same company
Q&A
Reporting RTD Information in the Clearinghouse
The Return-to-Duty (RTD) Process and the Clearinghouse

- The RTD process has not changed. However, employers, or their designated C/TPAs, and SAPs must now report select parts of the RTD process in the Clearinghouse, within specific timeframes.

- Before a SAP can report any information to the Clearinghouse, the SAP must be designated by a driver.
  - A driver should establish a relationship with a SAP prior to designating the SAP in the Clearinghouse.

Click **Approve Request** button to confirm a driver request
What RTD information do SAPs need to report in the Clearinghouse?

- Date the driver’s initial SAP assessment is completed
  - Must report in the Clearinghouse by the close of the business day following the initial assessment

- Date the SAP determines the driver is eligible for RTD testing
  - Must report by the close of the business day following a determination that the driver completed the RTD process
Recording RTD Data – SAPs

- **Initial SAP assessment date**
  - Locate the appropriate driver in your driver list
  - Click the button to enter the date
Recording RTD Data – SAPs

- Date determined eligible for RTD testing
  - Locate the appropriate driver in your driver list
  - Click the button to enter the date
Frequently Asked Questions

- Will a driver’s follow-up testing plan be available in the Clearinghouse?
  - No, follow-up testing plans will not be included in a driver’s Clearinghouse record.
  - When a prospective employee has not completed a follow-up testing plan prescribed by the SAP, the subsequent new employer must obtain the follow-up testing plan from the previous employer, as required in § 382.413, and report the date the follow-up testing plan was completed.
NCCDB and the Clearinghouse

- **Complaints regarding the Clearinghouse will be submitted to NCCDB**
  - These complaints, along with other data sources, are used to make decisions about which entities FMCSA will investigate.

- **The following complaints can be submitted against MROs and SAPs:**

<table>
<thead>
<tr>
<th>Submitted by</th>
<th>Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employer or designated C/TPA</td>
<td>MRO did not report the drug and alcohol program violation within 2 business days after making the determination or verification</td>
</tr>
<tr>
<td></td>
<td>MRO did not report a change to the results report within 1 business day</td>
</tr>
<tr>
<td>Driver</td>
<td>SAP failed to report information to the Clearinghouse within the required timeframe (e.g., date of initial assessment, eligibility for return-to-duty testing)</td>
</tr>
<tr>
<td></td>
<td>SAP unable to record information in the Clearinghouse (i.e., did not accept Clearinghouse request)</td>
</tr>
</tbody>
</table>
Next Steps &
More Information
Next Steps

- Register in the Clearinghouse
  1. Create a login.gov account
  2. Select your role
  3. Provide your contact information
  4. Self-certify your qualifications
  5. Agree to terms and conditions

Need help? Download the registration job aids for step-by-step instructions.

- Invite Assistants
- Update office procedures
For more information

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

» Subscribe for email updates

» Read frequently asked questions

» Download the Clearinghouse factsheet

» Download the User Role card

» Download the User Brochures

Contact clearinghouse@dot.gov
Additional Information
Select type of violation

Violation Information
Enter each violation separately. If you have multiple violations to enter for a single driver, you will be able to add another related violation at the end of this entry.

**ALCOHOL VIOLATION**
- Alcohol concentration of 0.04 or greater
- Refusal to take an alcohol test
- Actual knowledge of an alcohol violation

**DRUG VIOLATION**
- Refusal to take a drug test
- Actual knowledge of a drug violation

What was the reason for the test?

Date of Test

Previous  Next  Cancel
Frequently Asked Questions

- **How does a driver change or remove inaccurate data?**
  - The driver may submit a petition via FMCSA’s DataQs system
  - FMCSA will review petition and notify driver of decision to remove, retain, or correct information in the Clearinghouse and the reason for decision
  - If the driver believes a petition decision was made in error, he/she may submit a request for an Administrative Review
    - Request must include an explanation why he/she believes FMCSA made an error in their decision
    - Driver informed of decision
    - Decision will constitute as the final Agency action

- **What information may be challenged by the driver?**
  - The accuracy of the information reported
  - Report of employer’s actual knowledge the driver received a traffic citation for driving a CMV while under the influence of drugs or alcohol if it did not result in a conviction
  - Accuracy of test results and refusals may not be challenged

- **Will an MRO be notified if information is removed from the Clearinghouse as a result of a petition?**
  - No, the information will not be distributed to the MRO
You successfully set up Phone as your first authentication method.

Next, you'll set up another method.

Continue

You have created your account with login.gov

You can now log into The FMCSA Drug & Alcohol Clearinghouse.

Continue

This is the only information login.gov will share with The FMCSA Drug & Alcohol Clearinghouse:

Email address

Return to your login.gov profile
Thank you! You are now logged into your login.gov account. Follow the steps below to complete your Clearinghouse registration.

2. Select Your Role
Use the menu below to select the type of user account you will need in the Clearinghouse.

- Employer
- Driver
- Consortium/Third Party
- Medical Review Officer (MRO)
- Substance Abuse Professional (SAP)

To complete your Clearinghouse registration you will need:
- Your MRO license information
- Confirmation of required training and examination, and basic knowledge as defined in § 382.121

Can you certify your MRO qualifications?
MROs who use this registration process will be required to self-certify their qualifications and confirm their credentials and basic knowledge, as required by § 382.121.

MROs can also invite users who will serve in an Assistant role. Assistants will enter violation information in the Clearinghouse on the MRO’s behalf. MRO Assistant’s should not follow this registration process, but should wait to receive an email invitation from the MRO they will work under.

Are you a credentialed MRO?
Yes, I am a credentialed MRO.

3. Contact Information
Enter your contact information below. All fields are required unless otherwise noted.

Name/Phone/Email
First Name
Middle Name (Optional)
Last Name
Phone Number
Alternate Phone Number (Optional)
Email Address (Login.gov Username)

Company Information
Affiliated Company Name

Office Address
Street
City
State
ZIP Code

Additional Address

Next Cancel
4. Qualifications (1 of 2)

To complete your MRO duties in the Clearinghouse, you must confirm your qualifications. All fields are required unless otherwise noted.

**MRO License**

You must possess either a Doctor of Medicine or Doctor of Osteopathy license, as defined in § 40.121. Select which type of license you have and where it was issued.

- **License Type**
  - Select a type
  - Country
  - State

**MRO Basic Knowledge Confirmation**

You must confirm that you possess the basic knowledge as described below, and as defined in § 40.121.

- I am knowledgeable about and have clinical experience in controlled substances abuse disorders, including detailed knowledge of alternative medical explanations for laboratory-confirmed drug test results.
- I am knowledgeable about issues relating to adulterated and substituted specimens as well as the possible medical causes of specimens having an invalid result.
- I am knowledgeable about this part, the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom you evaluate drug test results, and you must keep current on any changes to these materials.
- I am knowledgeable about part 40 (CFR), the DOT MRO Guidelines, and the DOT agency regulations applicable to the employers for whom I evaluate drug test results, and I keep current on any changes to these materials. I subscribe to the ODAPC list serve.

DOT MRO Guidelines, and other materials are available from ODAPC (Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590, 202–366–3784), or on the ODAPC Web site.
Invite User

You can invite users to create a Clearinghouse Assistant account associated with your company. Enter the user's email address to generate and send the invitation. Only individuals authorized to enter information in the Clearinghouse on behalf of you and/or your company should be invited.

Email Address

Send Invite  Cancel

Tip

Invite an Assistant

You can invite an Assistant account for an individual on your team. An Assistant account gives someone that you authorize access to the information you enter into the Clearinghouse. Assistants can perform all tasks other than setting up an initial user registration.

You will need to send the Assistant user an invitation to register for Clearinghouse in an Assistant account.

Once the Assistant account holder gets ready for January 6, 2020, you will get an email notification of the updates to the details you entered in the Clearinghouse.

Read the FAQs

Edit Profile