FMCSA Launches Commercial Driver's Clearinghouse

The Federal Motor Carrier Safety Administration (FMCSA) Commercial Driver's License Drug and Alcohol Clearinghouse is a newly launched, secure online database containing information on violations of the Department of Transportation's (DOT) drug and alcohol testing program for commercial drivers who use public roadways.

Drivers, employers, medical review officers (MROs) and substance abuse professionals (SAPs) must create a secure online account in order to begin using the clearinghouse.

A driver must be a registered user to respond to an employer's request for consent before an employment query is conducted. However, violations can be added to a driver's file regardless of whether they are registered.

Effective Jan. 6, 2020, affected employers are required to conduct electronic searches of the clearinghouse database and make direct inquiries with previous employers to identify drivers with violations on their record. Examples of violations include a positive drug screen result or refusal to test.

One of the primary purposes of the clearinghouse is to screen drivers who do not report violations to prospective employers, as required by law, and fail to comply with return-to-duty assessment requirements.

By Jan. 6, 2023, three years of data will be stored in the clearinghouse and employers will no longer be required to obtain information from a driver's previous employers; a clearinghouse query will suffice.

Records of drug and alcohol program violations will remain in the clearinghouse for five years, or until a driver with a history of violations has completed the required return-to-duty process.

Applicable Regulations

The clearinghouse corresponds with 49 Code of Federal Regulations, Parts 40 and 382. Part 40 describes Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Part 382 is the FMCSA's Controlled Substances and Alcohol Use and Testing regulation.

Under 49 CFR, Part 40.305, a driver with a violation on his or her record may be hired at the discretion of an employer after successfully completing a professional substance abuse evaluation, prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before being allowed to perform safety-sensitive duties.

Per 49 CFR, Part 382.705, the following clearinghouse reporting responsibilities apply:

- *Employers, or consortia/ third-party administrators (C/TPAs such as WorkCare acting on behalf of an employer) will enter drug and alcohol program violation information.*

- *Medical review officers will enter drug violation information.*

- *Substance Abuse Professionals will enter the date of any initial assessment and date the driver is eligible for return-to-duty testing.*

- *Employers will enter negative return-to-duty test result(s) and the date the driver's follow-up testing plan has been successfully completed.*

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Update on Certified Medical Interpreters

A Department of Transportation (DOT) physical examination must be conducted by a licensed medical examiner listed on the Federal Motor Carrier Safety Administration's National Registry of Certified Medical Examiners. Per 49 CFR, Part 391.11(b)(2), Qualifications of Drivers and Longer Combination Vehicle Driver Instructors, a person is qualified to drive a motor vehicle if he/she "can read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries, and to make entries on reports and records."

To comply with this provision, certified medical examiners are advised not to perform an exam on an examinee who is not sufficiently proficient in English without the presence of a certified medical interpreter provided by either the employer of the examinee. Clinic staff who act as interpreters but are not certified are not considered qualified to fill this role. However, an examiner who is proficient in the examinee's first language may choose to perform the exam and document the language used in the medical record.