



**FSSolutions**  
Quality Service Since 1989

## Commercial Driver's License Drug & Alcohol Clearinghouse

*November 2019 Update*



## Agenda

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- Regulatory Overview
- Registration
- Reporting Violations
- Querying the Clearinghouse
- Purchasing Queries
- Complaints and Disputes
- FSSolutions System Updates
- FSSolutions Clearinghouse Services
- What's Next
- Questions & Answers

# Regulatory Overview



## Regulatory Resources

- 49 CFR Part 382 Subpart G - *Requirements and Procedures for Implementation of the Commercial Driver's License Drug and Alcohol Clearinghouse*

Link: <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&PART&n=pt49.5.382>

- Commercial Driver's License Drug and Alcohol Clearinghouse Website

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



## Clearinghouse Timeline

- Notice of Proposed Rule Making – Feb 2014
- Final Rule Published – Dec 2016
- Final Rule Effective – Jan 2017
- Registration Opened - October 2019
- Queries Can Be Purchased – November 2019
- Final Rule Compliance Begins – Jan 6, 2020
  - State Compliance – FMCSA Proposed Extension
- Change to 40.25/391.23 Process – Jan 2023

## Who Does the Clearinghouse Rule Apply To?

- Employers, employees, service agents that are required to comply with DOT and FMCSA drug and alcohol testing requirements:
  - 49 CFR Part 40
  - 49 CFR Part 382 and 383
- This includes employers, employees, service agents in Mexico and Canada
- FMCSA also determined this includes Commercial Learner's Permit (CLP) holders

# Clearinghouse Violations

## The Clearinghouse will contain:

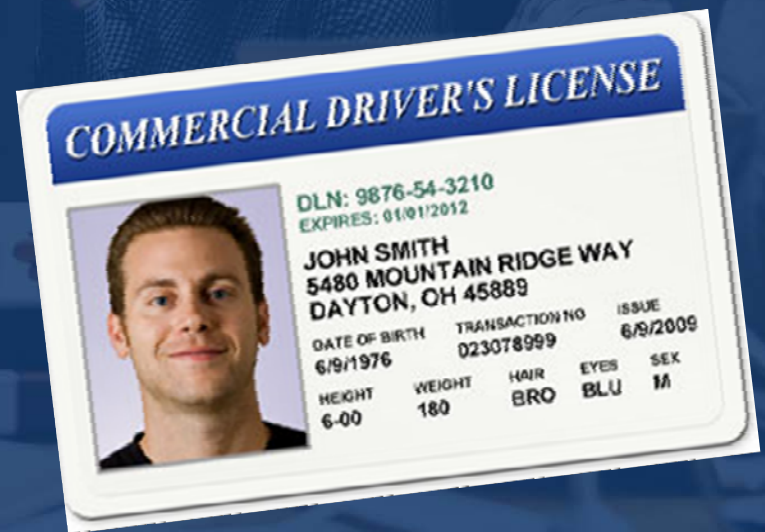
- A verified positive, adulterated, or substituted drug test result
- An alcohol confirmation test with concentration of 0.04 or higher
- A refusal to submit to any test required by 382 subpart C
- An employer's report of actual knowledge as defined in 382.107
- A substance abuse professional (SAP) report of successful completion of the return to duty process
- A negative return to duty test
- An employer's report of completion of follow-up testing

## The Clearinghouse will **NOT** contain:

- Modes of Transit other than FMCSA
  - Employers need to pay close attention to their reporting requirements if they fall under multiple DOT agencies including FMCSA
- Non-DOT Test Results
- Results Verified Prior to 1/6/2020
- Negative Results
  - Except Return to Duty
- SAP Plans

## How Will Data be Tracked in the Clearinghouse?

- FMCSA concluded the most accurate and secure method to identify a driver in the Clearinghouse is by using the Commercial Driver's License (CDL) number and State of Issuance
- The agency also determined that using the CDL number and State of Issuance does not require a change to the Chain of Custody (CCF) or Alcohol Testing Form (ATF).
  - The person completing these forms would enter the CDL Number and State of Issuance in the Employee ID space



*What this means:*

*Donors must use CDL State and License# but the form will ask for SSN or Employee ID.*



## Impact to 40.25 & 391.23

- **January 2017 – January 6, 2020**
  - No change to the employers process
- **January 6, 2020- January 2023**
  - Employers must query both the Clearinghouse and reach out to previous employers to obtain background information on applicants
- **January 2023**
  - Upon the Clearinghouse being in effect for three full years, Employers only need to query Clearinghouse to obtain background information to satisfy 40.25 & 391.23

**KEEP IN MIND:** If an applicant for an FMCSA position was subject to drug and alcohol testing with a DOT mode other than FMCSA, employers must continue to request background information from the DOT-Regulated Employer as they are not subject to the Clearinghouse reporting requirements

# Employer Drug and Alcohol Policy Changes

- Drug and Alcohol Policy needs to include #12 (new) from 382.601 which covers employer's responsibility to report into the Clearinghouse

*12) The requirement that the following personal information collected and maintained under this part shall be reported to the Clearinghouse:*

- (i) A verified positive, adulterated, or substituted drug test result;*
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;*
- (iii) A refusal to submit to any test required by subpart C of this part;*
- (iv) An employer's report of actual knowledge, as defined at §382.107:*
  - (A) On duty alcohol use pursuant to §382.205;*
  - (B) Pre-duty alcohol use pursuant to §382.207;*
  - (C) Alcohol use following an accident pursuant to §382.209; and*
  - (D) Controlled substance use pursuant to §382.213;*
- (v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;*
- (vi) A negative return-to-duty test; and*
- (vii) An employer's report of completion of follow-up testing.*

# Users & Roles

	Register	Manage Assistants	Select TPA	Request Driver Consent for Queries	Consent to Full Queries	Query Driver Violation Information	Select SAP	Report Drug and Alcohol Program Violations	Report on RTD Initial Assessment Eligibility for RTD testing	Report on RTD and Follow-Up Testing
Driver	X				X		X			
Employer	X	X	X	X		X		X		X
TPA	X	X		X		X		X		X
MRO	X	X						X		
SAP	X	X							X	

# Registration

# Registration & Assignments

resolutions.com

- Registration is now open
- Uses login.gov and requires 2 factor authentication
- FMCSA has provided step by step guides for registration for each type of user in their FAQ section

## How do authorized users sign up to access the Clearinghouse?

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](#)

Last Updated : September 28, 2019

# Registration & Assignments

fsolutions.com

- Employers with a USDOT # will link their FMCSA portal account with the Clearinghouse
- Assistants must be INVITED to enroll under the account
  - Employers that require a USDOT Number will manage these Clearinghouse Administrator and Assistant roles via the Federal Motor Carrier Safety Administration (FMCSA) Portal.
- Owner Operators will be required to select a C/TPA at enrollment
- Employers designate their C/TPA(s) within the Clearinghouse for:
  - Querying
  - Reporting violations on behalf of the employer
  - Reporting RTD information

# Reporting Violations

# Reporting Violations

## DRUG & ALCOHOL CLEARINGHOUSE

### Reporting Drug and Alcohol Violations

Employers must use the Clearinghouse to report drug and alcohol violations as detailed in § 382.705(b). This tool will walk you through the steps of reporting a violation.

- Do **NOT** use this tool to record tests that are not required by DOT regulations.
- Do **NOT** use this tool if you are not covered by FMCSA regulations. [Learn more](#)

Before you begin, be sure to compile all the information and documentation required per § 382.705(b), as you will not be able to save your progress prior to submission. [Learn more](#)

For security reasons, you will be logged out of the Clearinghouse after being inactive for 20 minutes.

Start Violation Report

Driver Info > Violation Info > Review & Submit

### Driver Information

Enter the information of the driver who committed the violation. All fields are required unless otherwise noted.

First Name	Last Name	
<input type="text"/>	<input type="text"/>	
Date of Birth		
month	day	year
<input type="text"/>	<input type="text"/>	<input type="text"/>
Driver CDL Number ⓘ	Country of Issuance	State of Issuance
number	country	state
<input type="text"/>	<input type="text"/>	<input type="text"/>

Verify Driver Information Cancel

- Information will be entered by the license number of the driver
  - Other information such as name and DOB will be asked for at time of entry
  - 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.
- Upon order entry the Clearinghouse will attempt to validate the CDL # as valid
  - Users will be given two options to enter a valid number
  - After two failed attempts, the user can continue to enter the violation and the record will be flagged for FMCSA to review to obtain valid CDL #.



# Reporting Information

**Violation Information**  
Enter each violation separately.

**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?  
Reason:

**TYPE OF TEST REFUSAL (SELECT ONE):**

Fail to appear for any test

Fail to remain at testing site

Fail to provide adequate amount of saliva/breath

Fail to cooperate with any part of testing process

Fail to provide sufficient breath specimen with adequate medical explanation

Fail to undergo medical exam/evaluation as directed

Fail to sign the certification at Step 2 of ATF

Date of Test  
12/02/2019

[Previous](#) [Next](#) [Cancel](#)

Driver Info > Violation Info > Review & Submit

**Review and Submit the Violation**

Submitting this violation will generate a notification to the driver. If you make an error you will be able to correct it later, but entering the correction information now will avoid unnecessary confusion and additional reporting.

**Driver Information**

Once a driver's CDL/CLP information is verified, it cannot be edited. If the driver information was entered in error, delete this violation and enter a new one.

**Todd Miller**  
DOB: 6/17/1963 | CDL/CLP#: 246810  
State: Colorado | Country: United States

**Violation Information**

Type of Violation: Refusal to test - alcohol violation  
Test Date: 12/2/2019  
Reason for Test: Random  
Type of Test Refusal: Fail to remain at testing site  
Remarks / Additional Information:

I certify that the violation information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 180.

[Previous](#) [Submit Violation](#) [Cancel](#)

- If a specimen ID# has been entered before, user will receive a warning message
- The driver is not required to be registered in the Clearinghouse for MROs or Employers to report violations into the Clearinghouse
- FSSolutions MRO Department will now ask for your DOT # for each positive result reported as it must be entered into the Clearinghouse

# Reporting Timelines

Role	Reportable Item	Timeline
Employer Or TPA	<p>Report into the Clearinghouse:</p> <ul style="list-style-type: none"> <li>• An alcohol confirmation test result with an alcohol concentration of 0.04 or greater</li> <li>• A negative return-to-duty test result</li> <li>• The driver's refusal to submit to a DOT test for drug or alcohol use</li> <li>• An "Actual knowledge" violation, as defined in <a href="#">§ 382.107</a>;</li> <li>• A report that the driver successfully completed all follow-up tests as ordered by the Substance Abuse Professional.</li> </ul>	3 Business Days
Driver	Notify their employer of a drug and alcohol violation while working for a different employer.	1 Business Day
MRO	<p>Report into the Clearinghouse:</p> <ul style="list-style-type: none"> <li>• Verified positive drug test results; or</li> <li>• Refusal-to-test determinations based on the employee's inability to provide a sufficient specimen for testing, or the adulteration or substitution of a specimen.</li> </ul>	Within 2 Business Days of making a determination
MRO	Update the Clearinghouse of any previously reported test that the MRO is now cancelling	1 Business Day
SAP	<p>For each driver who has completed the return-to-duty process in accordance with <a href="#">49 CFR part 40</a>, the SAP must report the following information:</p> <ul style="list-style-type: none"> <li>• SAP's contact information;</li> <li>• Driver's name, date of birth, CDL number and State of issuance;</li> <li>• Date of initial substance abuse professional assessment; and</li> <li>• Date the SAP determined the driver demonstrated successful compliance with return-to-duty requirement and was eligible for return-to-duty testing.</li> </ul>	By close of the business day after the event that triggered their reporting responsibility
FMCSA	Notify the employer of a change to a driver's Clearinghouse record	Within 30 day of employer accessing it

# Querying the Clearinghouse

# Clearinghouse Queries

Reason for Query	When to Run	Type of Query	Consent for Query	Restrictions
Pre-Employment	Employers must not employ a driver subject to controlled substances and alcohol testing under this part to perform a safety-sensitive function without first conducting a pre-employment query	Full	Within the Clearinghouse	
Annual	Employees must be queried at least once within a 365-day period based on their hire date, or another 12-month period determined by the employer, as long as the requirements of 382.701(b) are met.	Full or Limited	Full – Within the Clearinghouse  Limited – Outside the clearinghouse	Consent is required prior to each search and must be received by employer within <b>24 hours</b> . <b>Failure to consent would require the driver to be removed from Safety Sensitive Functions.</b>



# FMCSA Sample Limited Query Consent Form

*FMCSA does not require that motor carrier employers subject to the Agency's drug and alcohol use and testing regulations in 49 CFR Part 382 use this sample format to obtain an employee's consent to conduct a limited query of the Drug and Alcohol Clearinghouse. Employers may, however, use or adapt the content as they see fit.*

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

I, (Driver Name), hereby provide consent to (Company Name) to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse. *[Employers and employees may also wish to include the terms of the consent. For example, is the driver consenting to a single limited query or multiple limited queries? If the driver consents to multiple limited queries, will those queries be conducted over a fixed period of time or for the duration of employment? Is the number of limited queries specific or unlimited? The scope of this consent would be determined by the employer and the employee.]*

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

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

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Employee Signature

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Date

# Running a Query

Driver Information > Query Type > Conduct Query

## Driver Information

A query checks to see if a driver has information about resolved or unresolved drug and alcohol program violations in his or her Clearinghouse record. Which driver's record do you want to query?

First Name  Last Name

Date of Birth  
month  day  year

CDL/CLP Number  Country of Issuance  State of Issuance

Driver Information > Query Type > Conduct Query

## Query Type

### WHICH TYPE OF QUERY DO YOU NEED TO CONDUCT?

**LIMITED QUERY** Results will determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. General consent from the driver is required (obtained outside the Clearinghouse).  
 I certify that I have obtained the driver's general consent to conduct limited queries in the Clearinghouse and that this limited query falls within the timeframe specified by that general consent.

**FULL QUERY** Results will include detailed information about any drug and alcohol program violations in a driver's Clearinghouse record, including the driver's eligibility to perform safety-sensitive functions such as operating a CMV. Electronic consent is required.

Driver Information > Query Type > Conduct Query

## Query Type

### WHICH TYPE OF QUERY DO YOU NEED TO CONDUCT?

**LIMITED QUERY** Results will determine if an individual driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. General consent from the driver is required (obtained outside the Clearinghouse).

**FULL QUERY** Results will include detailed information about any drug and alcohol program violations in a driver's Clearinghouse record, including the driver's eligibility to perform safety-sensitive functions such as operating a CMV. Electronic consent is required.  
Is this full query being conducted as part of a pre-employment screening?  
 Yes  No

# Running a Query – Limited Query

Driver Information > Query Type > Conduct Query

## Conduct Query

This limited query will determine if this driver's Clearinghouse record has any information about resolved or unresolved drug and alcohol program violations. It will not release any specific violation information contained in the driver's Clearinghouse record.

Click "Conduct Query" below to proceed. One query will be deducted from your Query Balance.

Previous Conduct Query Cancel

Limited Query = Consent captured outside of the Clearinghouse using a general non-terminating consent form which must be kept on file

## 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

## Query Complete



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

Information related to resolved or unresolved drug and alcohol program violations has been found in the Clearinghouse record of the driver you queried.

To receive detailed information contained in the queried driver's Clearinghouse record, you must conduct a full query. You must request and receive the driver's electronic consent before the full query may be completed.

If the full query is not conducted within 24 hours, the driver must be removed from safety-sensitive functions.

Send Consent Request

Conduct Another Query

# Running a Full Query

Driver Information > Query Type > Request Consent

## Request Driver Consent

Before FMCSA can release to you detailed information from the driver's Clearinghouse record, you must obtain the driver's electronic consent in the Clearinghouse.

To obtain the driver's electronic consent, click "Send Consent Request" below.

One query will be deducted from your Query Balance once the consent request has been sent. If the driver refuses his or her consent, your Query Balance will be credited.

Previous **Send Consent Request** Cancel

## Consent Requested



### The consent request has been sent.

You will receive a notification email once the driver has responded to the consent request.

You can check the status of the consent request on your [Queries](#) page.

Note: The driver must be registered in the Clearinghouse to respond to this consent request.

If this driver is not registered in the Clearinghouse, he or she will receive a letter via United States Postal Service (allow 1-2 weeks for delivery) advising him or her to register in the Clearinghouse to respond to this consent request.

To avoid delays, encourage the driver to register in the Clearinghouse and respond to this request.

Conduct Another Query

Full Query = Consent captured in the Clearinghouse

**WELCOME**

This is your Driver Dashboard, an overview of action items you need to take in the Clearinghouse. This includes responding to consent requests from prospective and current employers. [Learn more about the consent request process.](#)

**No drug and alcohol violations**  
The Clearinghouse contains no information that prohibits you from operating a CMV.

**QUERY CONSENT REQUESTS** [View All](#)

Sample-CTPA  
PreEmployment  
12/5/2019 Sample-CTPA  
has requested to view your Clearinghouse record.

I CONSENT  I DO NOT CONSENT

**VIOLATION SUMMARY** [View All](#)

You have no violations reported in the Clearinghouse

0 Violations



# Running a Query – Driver Information & Consent

## John Smith (US-MA-1234567)

**Sample-Employer**  
**Result: Prohibited** | **Status: Completed (1/9/2020 3:32:24 PM)**  
**Conducted By:** Sample-Employer@example.com | **Quer**

<b>Driver Information</b>	<b>Consent Info</b>
<b>Name:</b> John Smith	<b>Requested:</b> 1/9/2020 15:30:00
<b>Date of Birth:</b> 5/3/1990	<b>Recorded:</b> 1/9/2020 15:32:24
<b>CDL/CLP:</b> US-MA-1234567	<b>Status:</b> Provided

[View Query Details](#)

## Query Detail

### Query Overview

**John Smith (US-MA-1234567)**  
**Sample-Employer**  
**Result: Prohibited** | **Status: Completed (1/9/2020 3:32:24 PM)**  
**Conducted By:** Sample-Employer@example.com | **Query Type:** LimitedToFull | **Source:** Website

<b>Driver Information</b>	<b>Consent Information</b>	<b>Query History</b>
<b>Name:</b> John Smith	<b>Requested:</b> 1/9/2020 15:30:00	<b>Created:</b> 1/9/2020 15:29:35
<b>Date of Birth:</b> 5/3/1990	<b>Recorded:</b> 1/9/2020 15:32:24	
<b>CDL/CLP:</b> US-MA-1234567	<b>Status:</b> Provided	

### Open Violations

#### Driver Information

**John Smith**  
DOB: 5/3/1990 | CDL/CLP#: 1234567  
Country: United States | State: Massachusetts

#### Violation Information

Test ID: 987654321  
Type of Violation: Concentration of 0.04% or greater  
Test Date: 1/7/2020  
Reason for Test: Random

#### Test Results Entered By

Sample-CTPA (1/8/2020 3:27:13 PM)

# Running a Batch of Queries

- There are no integration options available for querying or reporting violations
- The Clearinghouse will provide the ability to initiate a batch of queries for a group of drivers at one time through the use of a formatted .CSV file. A sample formatted file is available within the FAQ section

First row	Field Contents
LastName	The driver's last name. This would include hyphenated last names. Suffix to a last name should not be included in the submittal. Maximum length 40 characters.
FirstName	The driver's first name. Maximum length 40 characters.
DOB	The driver's date of birth. Format is MM/DD/YYYY
CDL	The driver's Commercial Driver's License Number or Commercial Learner's Permit Number. Maximum length 25 characters.
Country	The Country Code where the CDL was issued: For CDLs issued in the United States use US For CDLs issued in Canada use CN For CDLs issued in Mexico use MX
State	For CDLs issued in the United States and Canada, this field contains the two-character abbreviation for the State or Province where the CDL was issued. See below for acceptable abbreviations for U.S. States and Canadian Provinces.  For Mexican States, this field should contain MX.
QueryType	This field contains the type of query that is being requested ( <a href="#">learn more about the different types of queries</a> ). The values should be 1, 2, 3, or 4 with the values indicating the following: 1 – Limited Query 2 – Full Query 3 – Pre-employment Query 4 – Limited Query with Automatic Consent Request*

# Purchasing Queries

# Purchasing Queries

- Query plans can now be purchased by employers

The screenshot displays the user interface of the FMCSA Drug & Alcohol Clearinghouse. At the top, it identifies the United States Department of Transportation and the FMCSA (Federal Motor Carrier Safety Administration). A navigation bar includes links for 'About DOT', 'Our Activities', and 'Areas of Focus'. A 'Log Out Employer Name' button is visible in the top right. The main header features the 'DRUG & ALCOHOL CLEARINGHOUSE' logo. Below this, there are several menu items: 'My Dashboard', 'FAQ', 'About', and 'Contact'. A secondary navigation bar at the bottom contains 'Home', 'Query Plan Buy History', and 'Manage C/TPAs Users My Profile'.

# Purchasing a Query Plan

United States Department of Transportation

About DOT | Our Activities | Areas of Focus



Log Out Employer Name

## DRUG & ALCOHOL CLEARINGHOUSE

- My Dashboard
- Learn
- About
- Contact



### Purchasing a Query Plan

Query Balance: 0 remaining [View Query Plan Summary](#) [Purchase a Query Plan](#)



You are currently on the official FMCSA Clearinghouse website. Query plans must be purchased from the FMCSA Clearinghouse only.

You must purchase a query plan before you, or your designated consortium/third-party administrator (C/TPA), can conduct limited or full queries in the Clearinghouse. C/TPAs may not purchase query plans on behalf of employers.

**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.*

Continue to Pay.gov

**INDIVIDUAL QUERY PLAN**

# \$1.25

Flat per query rate (limited or full)

Queries never expire.

Select Plan Size ▼

Continue to Pay.gov

Plan Size	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

You will be directed to Pay.gov to process your payment.


**Please select a payment method:**


- I want to pay with a withdrawal from a checking or savings account (ACH)
- I want to pay with my Amazon account
- I want to pay with my PayPal account
- I want to pay with a debit or credit card

[Cancel](#)
Continue

# Query Balances Will be Displayed




**Query Plan Summary**

 **Query Balance: 100 remaining** [View Query Plan Summary](#) [Purchase a Query Plan](#)




 **Payment processed successfully.**

- You have purchased 100 queries.
- Your query balance has been updated.

**QUERY SUMMARY**

 <b>0</b> <b>Queries Conducted</b> In the past 12 months ⓘ	 <b>0</b> <b>Queries Pending</b> ⓘ	 <b>100</b> <b>Query Balance</b> ⓘ
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**QUERY SUMMARY**

 <b>0</b> <b>Queries Conducted</b> In the past 12 months ⓘ	 <b>0</b> <b>Queries Pending</b> ⓘ	 <b>Unlimited</b> <b>Query Balance</b> ⓘ Expires 1/5/2021
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## Purchasing Queries

- Limited queries that require a full query will be 1 charge of \$1.25
- Employers who use a TPA to run their queries will still need to purchase the batch of queries from FMCSA. TPA's are prohibited from purchasing queries
- For carriers with multiple DOT #s, queries must be purchased for each carrier number. Carriers are not allowed to share queries between DOT entities.

# Complaints and Disputes



# Drivers Can Dispute Some Data in the Clearinghouse

- A driver can use the DataQ system to submit a petition to FMCSA to change or remove inaccurate data.
- Information that a driver can challenge:
  - Accuracy of information reported
  - An actual knowledge violation a driver received a traffic citation for driving a CMV while under the influence of alcohol or drugs that did not result in a conviction
- Information that a driver cannot challenge:
  - Accuracy of test results or refusals

# National Consumer Compliant Database (NCCDB)

- Complaints against employers, SAPs and MROs regarding their actions with the clearinghouse will be submitted to NCCDB
  - These complaints will be reviewed by FMCSA and used to determine which entities should be audited or investigated
- The following complaints can be submitted against Employers, SAPs and MROs:

Who can Make the Complaint	Type of Complaint that can be Reported
Driver	<ul style="list-style-type: none"><li>• Employer has accessed information in the Clearinghouse account without receiving consent</li><li>• Employer has failed to report information to the Clearinghouse</li><li>• SAP failed to report information to the Clearinghouse within required timeframe</li><li>• SAP unable to record information in the Clearinghouse (e.g. did not accept request)</li></ul>
Employer or Designated C/TPA	<ul style="list-style-type: none"><li>• MRO did not report violation information within 2 business days</li><li>• MRO did not report a change to a result within 1 business day</li></ul>

# FSSolutions System Updates

# FSSolutions IT Enhancements

- Released:
  - Donor ID field will accept the driver's CDL state and CDL number on a result
  - CDL numbers will be validated against the CDL state's formatting
  - Random generator tool will now require the CDL State and CDL number to be included in your employee lists
  - Donor access allows CDL State and CDL Number as key identifier
  - Ensure all FSSolutions reports and screens accept CDL State and CDL Number
  - MRO system to flag FMCSA results for MRO violation reporting
  - MRO system captures DOT # at time of reporting to DER
  - Ability to run Pre-Employment Queries through our Background Screening System
- In Planning:
  - FSSolutions reporting out a fleet's annual query results
  - FSSolutions linking a driver's data for multiple CDL #s, SSN and Employee ID

# FSSolutions Clearinghouse Services

# Services Required

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- FSSolutions MROs are required to report into the Clearinghouse:
  - Verified positive drug test results
  - Refusal-to-test determinations based on the employee's inability to provide a sufficient specimen for testing, or the adulteration or substitution of a specimen
  - Previously reported test that the MRO is now cancelling

# New Services Available from FSSolutions

- Pre-Employment Queries
  - Utilizing our background screening platform, FSSolutions will conduct a pre-employment query of the Clearinghouse
  - Can be included in any background screening package or ordered on it's own
- Annual Queries
  - Utilizing your employee list, FSSolutions will conduct annual queries of the Clearinghouse
  - Any hits that come back from the limited query, will generate a request for the full query
  - FSSolutions will also conduct annual queries more than annually at a frequency you define for additional monitoring purposes

# New Services Available from FSSolutions

- Reporting Violations into the Clearinghouse for Employers
  - Upon receiving information from an employer, FSSolutions would manage the data entry of violations into the Clearinghouse to include:
    - An alcohol confirmation test result with an alcohol concentration of 0.04 or greater
    - A negative return-to-duty test result
    - The driver's refusal to submit to a DOT test for drug or alcohol use
    - An "Actual knowledge" violation, as defined in § 382.107;
    - A report that the driver successfully completed all follow-up tests as ordered by the Substance Abuse Professional



# Service Fees

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- MRO Reported Violations – included in MRO service fee
- Employer Reported Violations – Annual Fee of \$150.00
- Pre-Employment or Annual Query – Additional Fee per Query
  - Employer would also need to purchase the query bundle in the Clearinghouse

# What's Next?

## Employer Checklist – Registration and Preparation

- ✓ Register for access to the Clearinghouse started October 2019
- ✓ Invite assistants who will work within the Clearinghouse
- ✓ Educate your drivers on the need to register in the Clearinghouse
- ✓ Update your company policy to include item 12 from § 382.601
- ✓ Educate your drivers on the need to use CDL Number and State as the key identifier on their chains of custody and alcohol testing forms where it asks for Social Security or Employee ID
- ✓ Ensure your systems are able to capture CDL State and Number and provide it to your TPA/MRO as needed
- ✓ Include CDL State and Number in your employee file for Q1 Random Generation

## Employer Checklist – Reporting Violations

- ✓ Ensure you have processes in place to report the following information to the Clearinghouse within 3 days of the triggering event:
  - ✓ An alcohol confirmation test result with an alcohol concentration of 0.04 or greater
  - ✓ A negative return-to-duty test result
  - ✓ The driver's refusal to submit to a DOT test for drug or alcohol use
  - ✓ An "Actual knowledge" violation, as defined in § 382.107;
  - ✓ A report that the driver successfully completed all follow-up tests as ordered by the Substance Abuse Professional.

# Employer Checklist – Running Queries & Obtaining Consent

- ✓ Purchase the query plan that fits your organizational needs. For information visit: <https://clearinghouse.fmcsa.dot.gov/Query/Plan>
- ✓ Educate your hiring managers:
  - ✓ On the need to run a Full Query starting Jan 6, 2020 for all drivers prior to employing them in a safety sensitive role
  - ✓ Continue to obtain information from previous employers as required under 49 CFR Part § 40.25 until Jan 2023
- ✓ Create a process to run full or limited queries for all drivers on an annual basis
- ✓ If using limited queries:
  - ✓ Create a general, non-terminating consent including the timeframe for which you will run limited queries
  - ✓ Obtain this consent from all current and future drivers

# Questions & Answers

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