

The Clearinghouse Executive Summary for DER's

We are constantly told to do more with less and don't forget your work/life balance. Easier said than done, right? To make your life easier. Working smarter, not harder, is the only hope we have. I put together an executive summary along with important links broken-down by areas of responsibility for DER's regarding the Clearinghouse. Please feel free to plagiarize and edit at will if this information saves you time so you can spend more time with your family or just relaxing. You can always email me for a word document if you like, penny@mtstesters.com.

This year I attended DATIA, SAPAA, and NDASA conferences, some more than once, to listen to FMCSA regulators that are specialists for the new Clearinghouse. I know this might seem redundant, but I benefited from each seminar; FMCSA either had new information or provided additional clarity. I am impressed with the tools the FMCSA group has made available hence my inclusion of several links throughout this blog. I obtained the links from the <https://clearinghouse.fmcsa.dot.gov/>, the ultimate authority. I found the search feature on the FAQ section did not bring up any of the questions I had the way I phrased them, so I read all of the questions to find what I wanted. I did not find several questions that I hoped to have answered.

The below guidance is in 5 separate sections based on job requirements. Items in red are meant to customize to your specific business needs, and links are specific to the heading listed. Each section is designed to stand alone.

Employer/Designated Employer Representative (DER):

The clearinghouse is now open for registration at <https://clearinghouse.fmcsa.dot.gov/>. The clearinghouse is on target to go live on January 6th, 2020. Below I have provided an executive summary of what you should know that is specific to a DER's responsibilities. These three links are easy to understand and should be used as a reference or to explain your new job requirements for your leadership.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/User-Roles>

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Employer-Brochure>

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Factsheet>

Signatures: You need to obtain signed donor consent forms from every employee that has a CDL/CMV and working as such for your company, retain these so you can run yearly queries. FMCSA has provided a sample document at <https://clearinghouse.fmcsa.dot.gov/Resource/Index/Sample-Limited-Consent-Form>. You must obtain these signatures before you run your query. Signatures can be electronic, but they are NOT obtained or housed through the Clearinghouse.

Query: You must run a yearly query on all your CDL/CMV drivers beginning in 2020 (after Jan 6th). In the FAQ's section on the Clearinghouse web site this answer is stated on when to run your yearly query: "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."

Data entry for an employer: After a positive, the negative return to duty results must be input into the Clearinghouse. You must update the Clearinghouse when the follow-up program is completed

(this does not include results on negative follow-ups). If you are not designating your TPA to input your on-site positives, you will have to do this yourself. (owner-operators must designate TPA's to do this).

Note: FMCSA group did say if you are hiring someone with a past positive, the new hire pre-employment can be a return to duty under direct observation.

Subscription: Only an employer can subscribe to the Clearinghouse. Currently, the unlimited query costs \$24,500, so unless you plan to run more than 19,500 queries a year, you will want to go with the individual charge of \$1.25 each – the good news is these carry over the unlimited resets yearly.

Queries: The employer is responsible for yearly queries but can authorize their TPA to run these for them. The employer must designate which TPA is doing this work.

Employees: Educating your employees will make your life a lot easier, the information below. I highly recommend the brochure for your employees.

You are responsible for your vendor compliance, and you have a few decisions to make:

1. Notify your vendors what you expect. Summaries provided below can be used to do this if you wish.
2. Set deadlines for employees to ensure you aren't chasing forms indefinitely.
3. Decide your responsibilities vs. your TPA's:
 - a. Who will input on-site refusals?
 - b. Who will input breath alcohol positives over .04?
 - c. Who will run your limited queries you or your TPA?

Medical Review Officer (MRO):

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<https://clearinghouse.fmcsa.dot.gov/Resource/Index/MRO-Brochure>

1. You will need to register with the clearinghouse if you review FMCSA drug results.
 - a. MRO assistants and supporting MRO's can register under the lead MRO. The MRO registers and then invites his/her subordinates to sign up under him/her.
 - b. Each MRO should register if they review test results.
2. The collectors will begin using alphanumeric CDL license numbers along with the state initials were the employee ID/SSN would normally go. You may have already seen this. You will need to ensure your system can handle this.
 - a. FMCSA was asked about providing some consistency on the position of the state abbreviation vs. the CDL license number – they have not answered this question yet.
 - b. An unofficial opinion poll encourages the license number, followed by the state abbreviation. I would encourage all to do this until we have better guidance. We might be able to make this consistent on our own without regulatory encouragement.

- c. Collectors shouldn't put both the CDL number and the EID/SSN on the CCF, so systems need to be ready for this change.
3. You will need to input all FMCSA non-negatives into the clearinghouse starting Jan 6th, 2020.
Non-negatives: meaning positives or refusals validated by the MRO, collected on or after Jan 6th.

Substance Abuse Professional (SAP):

The clearinghouse is now open for registration at <https://clearinghouse.fmcsa.dot.gov/>. The clearinghouse is on target to go live on January 6th, 2020. Below I have provided a basic view of what you should know that is specific to an SAP's responsibilities.

<https://clearinghouse.fmcsa.dot.gov/Resource/Index/SAP-Brochure>

1. Your interaction with the clearinghouse depends on your clients; if a client is positive on an FMCSA authority test and works with you for reinstatement into a DOT position, they will have to send you a request for information to be released into the Clearinghouse.
2. You will need to be registered for your clients to request this information.
3. If requested by a donor with a positive on or after January 6th, 2020, you must be prepared to input your SAP report.
4. The donor makes the request, but the SAP must accept. You can decline and state you are not working with this donor.

Donor/Driver:

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<https://clearinghouse.fmcsa.dot.gov/Resource/Index/Driver-Brochure>

1. As a CDL/CMV holder, you are NOT required to register in the clearinghouse.
 - a. You are strongly encouraged to register – the benefits of being registered are:
 - i. If someone runs a query, you will be notified and can take action if you have never signed a release form.
 - ii. If a positive result is input into the Clearinghouse under your CDL license number, you will be notified and can take action if this is incorrect.
 - iii. If a full request is needed, it will be a much faster process and can reduce the chances of your being pulled from service or losing a potential job offer.
 - iv. As with any new system, auditing the system is always a good idea - registering allows you to track information about yourself – *I would highly encourage it.*

2. CDL holders **ARE** required to sign a consent form that will authorize the employer to conduct yearly queries. (this form should be good for as long as you are with your company).
 - a. This form only allows authorization of a LIMITED query.
 - b. Signing this form is not optional; it is a federal requirement. If you do not sign the form, you will be pulled from the service.
 - c. This form is only to authorize this limited query and has nothing to do with your current or future drug and alcohol testing. Drug and alcohol testing is not changing.
3. *Full queries are required when you are first applying for a job or if you have an active, positive, or refusal in the Clearinghouse system.*
 - a. The clearinghouse will contact you via email (registered is required for this).
 - b. If this is a current employer limited query and you don't respond in 24 hours, your employer will have no choice but to pull you from service.
 - c. If a query turns something up and you are already registered, this will speed the process and can reduce the chances of being pulled from service or even losing a job offer.

TPA or Collection Company

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<https://clearinghouse.fmcsa.dot.gov/Resource/Index/CTPA-Brochure>

1. DOT Collectors for FMCSA authority collections must begin using CDL license numbers along with the state initials where the employee ID/SSN would normally go on the CCF. You may have already started this.
 - a. FMCSA was asked about providing some consistency on the position of the state abbreviation vs. the CDL license number – they have not answered this question yet.
 - b. An unofficial opinion poll encourages the license number, followed by the state abbreviation. I would encourage all to do this until we have better guidance. We might be able to make this consistent on our own without regulatory encouragement.
 - c. Collectors should not put both the CDL number and the EID/SSN on the CCF, so systems need to be ready for this change. **If you want to have, the EID or SSN wrote on the chain somewhere (maybe outside the box), you will have to instruct your TPA of this request, but I am not recommending this.**
2. **You can have your TPA put in your alcohol or on-site non-negatives. For instance, breath alcohol at or above .04 or an on-site refusal. Talk to your TPA to discuss how this will be done to ensure you are on the same page.**
3. **Your TPA can run your queries but only under your account. The subscription accounts are under employers only.**

Be safe,

Penny