Alcoholism / Drug Abuse / Substance Abuse Professional (SAP)

**Alcoholism**

Except where absolute criteria exist (i.e., a current clinical diagnosis of alcoholism), as a medical examiner, you make the final determination as to whether the driver meets the Federal Motor Carrier Safety Administration (FMCSA) medical standards for driver certification.

Use whatever tools or additional assessments you feel are necessary. If the driver shows signs of alcoholism, have the driver consult a specialist for further evaluation.

If you believe immediate testing for alcohol is warranted, contact FMCSA or contact the employer of the driver directly for information on controlled substances and alcohol testing under Part 382 of the Federal Motor Carrier Safety Regulations.

A driver MUST submit to alcohol testing if there is reasonable suspicion that the U.S. Department of Transportation (DOT) prohibitions concerning alcohol are violated. Suspicion MUST be based on specific observations concerning driver behavior, speech, or body odor.

When an interstate driver tests positive for alcohol or controlled substances under Part 382, the driver is not required to be medically re-examined or to obtain a new medical examiner’s certificate provided the driver is seen by a SAP who evaluates the driver and does not make a clinical diagnosis of alcoholism. The SAP provides the driver with documentation allowing the driver to return to work.

If the SAP determines that alcoholism exists, the driver is not qualified to drive a commercial motor vehicle in interstate commerce. The ultimate responsibility rests with the motor carrier to ensure the driver is medically qualified and to determine whether a new medical examination should be completed.

**Certification/Recertification — Alcoholism**

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<td>You should not certify the driver until the driver has successfully completed counseling and/or treatment.</td>
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<td>Maximum certification — 2 years</td>
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<td>Recommend to certify if:</td>
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<td>The driver with a history of alcoholism has:</td>
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- No residual disqualifying physical impairment.
- Successfully completed counseling and/or treatment.
- No current disqualifying alcohol-related disorders.

**Do not to certify** if the driver has:
- A current clinical diagnosis of alcoholism.
- Signs of a current alcoholic illness and/or non-compliance with DOT alcohol conduct guidelines.
- An alcohol-related unstable physical condition, regardless of the time element.
- Not met return-to-duty requirements.

**NOTE**: Ongoing voluntary attendance at self-help groups (e.g., 12-step programs) for maintenance of recovery is not disqualifying.

**Monitoring/Testing**
You may on a case-by-case basis obtain additional tests and/or consultation to adequately assess driver medical fitness for duty.

**Follow-up**
No specific follow up is required.

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**Drug Abuse**

**Schedules of Controlled Substances**

21 USC Sec. 812

49 CFR 391.41(b)(12) identifies driver use of Schedule I drugs as medically disqualifying. The 1970 Comprehensive Drug Abuse Prevention and Control Act provides the framework for the current Drug Enforcement Administration (DEA) drug schedules.

There are five schedules of controlled substances, I, II, III, IV, and V. The drug schedules are based on addiction potential and medical use but not on side effects. The lists are updated annually.

**NOTE**: The advisory criteria first directs you to 21 CFR 1308.11 TITLE 21 — FOOD AND DRUGS CHAPTER 13 — DRUG ABUSE PREVENTION AND CONTROL SUBCHAPTER I — CONTROL AND ENFORCEMENT Part B — Authority To Control; Standards and Schedules. This regulation describes the rules and procedures used to establish and maintain the 21 USC Sec. 812 controlled substance lists.

**Key Points About 21 USC Sec. 812**

**Schedule I**

These drugs have no currently accepted medical use in the United States, have a high abuse potential, and are not considered safe, even under medical supervision. These substances include many opiates, opiate derivatives, and hallucinogenic substances. Heroin and marijuana are examples of Schedule I drugs. The exception criteria of 49 CFR 41(b)(12)(ii) does not apply to any Schedule I substance.

**NOTE**: The driver taking medical marijuana cannot be certified.

**Schedule I**

These drugs have currently accepted medical uses but have a high abuse potential that may lead to severe psychological or physical dependence. Schedule II drugs include opioids, depressants, and amphetamines. The opioids in Schedule II include natural opioids (e.g., morphine) and synthetic opioids (e.g., OxyContin).

**NOTE**: Interpretation for 49 CFR 391.41
Methadone is a habit-forming narcotic which can produce drug dependence and is not an allowable drug for operators of commercial motor vehicles (CMV).

Schedules III - V

These drugs have decreasing potential for abuse than preceding schedules. Abuse may lead to moderate or low physical dependence or high psychological dependence. Schedule III drugs include tranquilizers. Schedule IV drugs include drugs such as chlorhydrol and phenobarbital. Schedule V drugs have the lowest potential for abuse and include narcotic compounds or mixtures.

Side effects are not part of the DEA schedule rating criteria. Therefore, a substance can have little risk for addiction and abuse but still have side effects that interfere with driving ability.

Testing

MEs are NOT responsible for drug/alcohol testing. If there is suspicious behavior on the part of the CMV Driver, the ME must report this to the CMV Driver’s employer to order tests and do follow up. The employer is responsible for:

- Doing the drug testing
- Providing the list of SAPs
- Being sure the driver complies
- Doing any follow-up

All drug test results are reviewed and interpreted by a physician who is certified as a medical review officer (MRO). When there is a positive result, the MRO contacts the driver and conducts an interview to determine if there is an alternative medical explanation for finding drugs in the urine specimen. The MRO notifies the employer only after determining that a positive test result was caused by unauthorized driver use of a controlled substance.

All urine specimens are tested for:

- Marijuana.
- Cocaine.
- Amphetamines.
- Opiates.
- Phencyclidine (PCP).

A driver MUST be removed from safety-sensitive duty when the driver has a positive drug test result caused by the unauthorized use of a controlled substance. To be returned to safety-sensitive duties the driver MUST:

- Be evaluated by a substance abuse professional (SAP).
- Comply with recommended rehabilitation.
- Have a negative result on a return-to-duty drug test.

What is a Substance Abuse Professional (SAP)?

Certain employees in the transportation industry are subject to federal drug and alcohol use and testing regulations, under the federal Department of Transportation (DOT). An employee who violates these regulations must be immediately removed from safety-sensitive functions, and may not be returned to any safety-sensitive functions in the transportation industry until and unless he/she successfully completes a DOT return-to-duty process.
The service agent who is responsible for overseeing this process is a Substance Abuse Professional, or a SAP. DOT requires a SAP to have specific credentials, to have basic knowledge in specified content areas, to complete a comprehensive SAP training, and to satisfactorily complete a SAP exam.

### Certification/Recertification — Drug Abuse

#### Waiting period

No recommended time frame  
You should not certify the driver for the duration of the prohibited drug(s) use and until a second examination shows the driver is free from the prohibited drug(s) use and has completed any recertification requirements.

To be returned to safety-sensitive duties the driver MUST:

- Be evaluated by a SAP.
- Comply with recommended rehabilitation.
- Have a negative result on a return-to-duty drug test.

#### Decision

Maximum certification — 2 years  
Recommend to certify if:

The driver with a history of drug abuse has:

- No residual disqualifying physical condition.
- Proof of successful completion of return-to-duty requirements.

Do not certify if the driver uses:

- Schedule I controlled substances.
- Amphetamines.
- Narcotics.
- Any other habit-forming drug for which the exception guidelines do not apply.
- Methadone (regardless of the reason for the prescription).
- Marijuana (even if in a State that allows medicinal use).

**NOTE:** Ongoing voluntary attendance at self-help groups (e.g., 12-step programs) for maintenance of recovery is not disqualifying.

#### Monitoring/Testing

You have the option to certify for a period of less than 2 years if more frequent monitoring is required.

#### Follow-up

The driver should have at least biennial medical examinations or more frequently if indicated.