



Training notes from the woods & the classroom

October 2009

Who Can Help Me? One of My Employees Had a Positive Drug Test Under the Federal DOT Regulations? Or I Just Got Audited by the DOT and They Say I Need a Drug and Alcohol Policy

By Robert Lyman M.S.Ed.,LICSW

Current Guidelines

The following interpretation can be found in:

Procedures for Transportation Workplace Drug and Alcohol Testing Program; Final Rule 49 CFR Part 40.289 (c)

The Federal DOT in “*The Substance Abuse Professional Guidelines*” Section II states as follows:
The SAP must conduct a face to face evaluation of the client. This type of session is essential to provide the SAP with an opportunity to objectively evaluate the “non-verbal – those physical cues to internal feelings, thoughts, and behaviors. The SAP should be cognizant of the client’s appearance, posture, carriage, ability to make eye contact, ability to relate in-person as well as other physical characteristics that would be indicative of alcohol or drug abuse.

The Federal DOT goes on to say;

The evaluation should be comprised of a psychosocial history; an in-depth drug and alcohol use history (with information regarding onset, duration, frequency, and amount of use; substance(s) of use and choice; emotional and physical characteristics of use; associated health, work, family, personal, and interpersonal problems); and current mental status. The evaluation should provide a diagnosis, treatment recommendation, and treatment plan...

In brief, a substance abuse professional assessment includes a mental health assessment and a chemical dependency assessment. Also included are: 1) referring the employee to an educational program or a treatment program, 2) monitoring the employee’s progress and 3) assessing compliance and conducting a follow-up evaluation process.

During the initial assessment a letter is generated to the employer about the recommended treatment plan. After the follow-up evaluation a second letter is generated to the employer that includes a follow-up testing plan.

Bob Lyman, M.S.Ed., LICSW, completed the Federal Department of Transportation requirements to qualify as a Substance Abuse Professional (SAP). This qualification must be updated every 2 years. Qualifying requirements are outlined in the Federal DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs (CFR 49 Part 40) and include knowledge and experience in the diagnosis and treatment of alcohol and controlled substances-related disorders; qualification training; and continuing education.

Lyman has performed Transportation Workplace Drug and Alcohol Testing assessments for 10 years and came into compliance before December 31st, 2003, DOT's deadline for implementation.

The first requirement is Mr. Lyman's credentials. He is a ***Licensed Independent Clinical Social Worker*** in the state of Minnesota since 1990. His license number is 8057 and is in good standing until 04/30/2011.

The second requirement is ***basic knowledge, qualifications and continued education***.

Bob has worked for St. Luke's Hospital for over 25 years. He has had extensive training in the field of chemical dependency, completed his undergraduate degree in Social Work in 1975 and graduate degree in Counseling in 1984. He has taken over 36 CEUs of training from Lee Mauk, who is a highly qualified trainer in the area of the Federal DOT regulations (40 CFR Part 40.281

Lastly, Bob has successfully completed an examination on April 19th 2003 administered by a nationally- recognized professional organization called the ***Employee Assistance Professionals Association***. Examination ID number is 2672.

With SAP credentials, Lyman is available for assessments of employees who have tested positive for alcohol or drugs and are in safety sensitive positions regulated by the Federal Department of Transportation.

He is a consultant in the establishment of company policy and procedures as it relates to drug testing in the workplace with State of Minnesota laws and regulations as well as the Federal DOT regulations. He is available to companies for training of both supervisors and general employees on the effects of alcohol and drugs in the workplace, which is mandated in DOT regulations. Also, Lyman's experience in the area of employee assistance makes him a valuable resource to area businesses such as the logging industry.

Cost of SAP Services

Below is listed the specific responsibilities involved in a SAP assessment, costs for these services are negotiated with the individual companies. Many times the cost is to the employee who tested positive.

Session I

Scheduling and Reception

Initial SAP assessment

Psychological Testing

Treatment Plan

Collateral Consultation with Medical Review Officer

Consultation with Company Safety Officer

Letter of Recommendation to the Company

Referral to Education or Treatment Program

Monitoring

Weekly Consultation with the Treatment Program
Certificate of Completion verification

Follow-Up Sessions

Assessment of Successful Compliance
Letter to the Company regarding Successful Compliance or Noncompliance
Follow- Up Testing Program
Aftercare Plan
Maintenance of the Record for 5 Years

The Federal DOT regulation leaves the responsibility for reimbursing St. Luke's for SAP services to the employers and the employees to decide. We ask one of three ways for payment, one is to establish a SAP contract with us, the second way if you do not have a contract is a written letter from the company stating that they will be responsible for the entire bill. This letter must be on company letterhead and given to the intake staff at the time of the SAP assessment, the third is the employee pays.

If you feel you're in need of these services please feel free to contact Bob Lyman at St. Luke's Hospital Employee Assistance Program

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Disclaimer

This article is intended to provide general information related to the Federal Dept. of Transportation regulations on Drug and Alcohol Testing in the Workplace. The content of this article including suggestions and interpretations by Robert Lyman M.S.Ed.,LICSW and or St. Luke's should not be construed as legal advice or opinion.

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