§ 26.53 General provisions.

(a) In order to grant authorization to an individual, a licensee or other entity shall ensure that the requirements in this subpart have been met for either initial authorization, authorization update, authorization reinstatement, or authorization with potentially disqualifying FFD information, as applicable.

(b) For individuals who have previously held authorization under this part but whose authorization has since been favorably terminated, the licensee or other entity shall implement the requirements for either initial authorization, authorization update, or authorization reinstatement, based on the total number of days that the individual’s authorization is interrupted, to include the day after the individual’s last period of authorization was terminated and the intervening days until the day on which the licensee or other entity grants authorization to the individual. If potentially disqualifying FFD information is disclosed or discovered about an individual, licensees and other entities shall implement the applicable requirements in § 26.69 in order to grant or maintain an individual’s authorization.

(c) The licensee or other entity shall ensure that an individual has met the applicable FPD training requirements in §§ 26.29 and 26.203(c) before granting authorization to the individual.

(d) Licensees and other entities who are seeking to grant authorization to an individual who is maintaining authorization under another FFD program that is implemented by a licensee or entity who is subject to this subpart may rely on the transferring FFD program to satisfy the requirements of this subpart. The individual may maintain his or her authorization if he or she continues to be subject to either the receiving FFD program or the transferring FFD program, or a combination of elements from both programs that collectively satisfy the applicable requirements of this part. The receiving FFD program shall ensure that the program elements to which the individual is subject under the transferring FFD program remain current.

(e) Licensees and other entities in § 26.3(a) through (c) may also rely on a C/V’s FFD program or program elements when granting or maintaining the authorization of an individual who is or has been subject to the C/V’s FFD program, if the C/V’s program or program elements meet the applicable requirements of this part.

1. A C/V’s FFD program may grant and maintain an individual’s authorization, as defined in § 26.5, under the C/V’s FFD program. However, only a licensee or other entity in § 26.3(a) through (c) may grant or maintain an individual’s authorization to have the types of access or perform the duties specified in § 26.4(a) through (e) and (g), and, at the licensee’s or other entity’s discretion, § 26.4(f).

2. If a C/V’s FFD program denies or unfavorably terminates an individual’s authorization, and the individual is performing any duties for a licensee or other entity that are specified in § 26.4(a) through (e) and (g), or, at the licensee’s or other entity’s discretion, § 26.4(f), then the C/V shall inform the affected licensee or other entity of the denial or unfavorable termination. The licensee or other entity shall deny or unfavorably terminate the individual’s authorization to perform those duties on the day that the licensee or other entity receives the information from the C/V, or implement the applicable process in § 26.69 to maintain the individual’s authorization.

3. If an individual is maintaining authorization under a C/V’s FFD program, a licensee or other entity in § 26.3(a) through (c) may grant authorization to the individual to have the
§ 26.55 Initial authorization.

(a) Before granting authorization to an individual who has never held authorization under this part or whose authorization has been interrupted for a period of 3 years or more and whose last period of authorization was terminated favorably, the licensee or other entity shall ensure that—

(1) A self-disclosure has been obtained and reviewed under the applicable requirements of §26.61;

(2) A suitable inquiry has been completed under the applicable requirements of §26.63;

(3) The individual has been subject to pre-access drug and alcohol testing under the applicable requirements of §26.65; and