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49 CFR Subtitle A (10–1–10 Edition)

client care and confidentiality of client information as well as to guard against inappropriate referral practices.

10. *Re-certification Program:* Certification is not just a one-time event. It is a continuing privilege with continuing requirements. Among these are continuing education, continuing state certification, and concomitant adherence to the code of ethics. Re-certification serves as a protector of client interests by removing poor performers from the certified practice.

11. *Fifty State Coverage:* Certification must be available to qualified counselors in all 50 states and, therefore, the test must be available to qualified applicants in all 50 states. Because many companies are multi-state operators, consistency in SAP evaluation quality and opportunities is paramount. The test need not be given in all 50 states but should be accessible to candidates from all states.

12. *National Commission for Certifying Agencies (NCCA) Accreditation:* Having NCCA accreditation is a means of demonstrating to the Department of Transportation that your certification has been reviewed by a panel of impartial experts that have determined that your examination(s) has met stringent and appropriate testing standards.

APPENDIX F TO PART 40—DRUG AND ALCOHOL TESTING INFORMATION THAT C/TPAS MAY TRANSMIT TO EMPLOYERS

1. If you are a C/TPA, you may, acting as an intermediary, transmit the information in the following sections of this part to the DER for an employer, if the employer chooses to have you do so. These are the only items that you are permitted to transmit to the employer as an intermediary. The use of C/TPA intermediaries is prohibited in all other cases, such as transmission of laboratory drug test results to MROs, the transmission of medical information from MROs to employers, the transmission of SAP reports to employers, the transmission of positive alcohol test results, and the transmission of medical information from MROs to employers.

2. In every case, you must ensure that, in transmitting the information, you meet all requirements (*e.g.*, concerning confidentiality and timing) that would apply if the party originating the information (*e.g.*, an MRO or collector) sent the information directly to the employer. For example, if you transmit MROs' drug testing results to DERs, you must transmit each drug test result to the DER in compliance with the requirements for MROs set forth in § 40.167.

DRUG TESTING INFORMATION

§ 40.25: Previous two years' test results

- § 40.35: Notice to collectors of contact information for DER
- § 40.61(a): Notification to DER that an employee is a "no show" for a drug test
- § 40.63(e): Notification to DER of a collection under direct observation
- § 40.65(b)(6) and (7) and (c)(2) and (3): Notification to DER of a refusal to provide a specimen or an insufficient specimen
- § 40.73(a)(9): Transmission of CCF copies to DER (However, MRO copy of CCF must be sent by collector directly to the MRO, not through the C/TPA.)
- § 40.111(a): Transmission of laboratory statistical report to employer
- § 40.127(f): Report of test results to DER
- §§ 40.127(g), 40.129(d), 40.159(a)(4)(ii); 40.161(b): Reports to DER that test is cancelled
- § 40.129 (d): Report of test results to DER
- § 40.129(g)(1): Report to DER of confirmed positive test in stand-down situation
- §§ 40.149(b): Report to DER of changed test result
- § 40.155(a): Report to DER of dilute specimen
- § 40.167(b) and (c): Reports of test results to DER
- § 40.187(a)–(e) Reports to DER concerning the reconfirmation of tests
- § 40.191(d): Notice to DER concerning refusals to test
- § 40.193(b)(3): Notification to DER of refusal in shy bladder situation
- § 40.193(b)(4): Notification to DER of insufficient specimen
- § 40.193(b)(5): Transmission of CCF copies to DER (not to MRO)
- § 40.199: Report to DER of cancelled test and direction to DER for additional collection
- § 40.201: Report to DER of cancelled test

ALCOHOL TESTING INFORMATION

- § 40.215: Notice to BATs and STTs of contact information for DER
- § 40.241(b)(1): Notification to DER that an employee is a "no show" for an alcohol test
- § 40.247(a)(2): Transmission of alcohol screening test results only when the test result is less than 0.02
- § 40.255(a)(4): Transmission of alcohol confirmation test results only when the test result is less than 0.02
- § 40.263(a)(3) and 263(b)(3): Notification of insufficient saliva and failure to provide sufficient amount of breath

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