Office of the Secretary of Transportation

§ 40.311

(a) As the SAP conducting the required evaluations, you must send the written reports required by this section in writing directly to the DER and not to a third party or entity for forwarding to the DER (except as provided in § 40.355(e)). You may, however, forward the document simultaneously to the DER and to a CTPA.

(b) As an employer, you must ensure that you receive SAP written reports directly from the SAP performing the evaluation and that no third party or entity changed the SAP’s report in any way.

(c) The SAP’s written report, following an initial evaluation that determines what level of assistance is needed to address the employee’s drug and/or alcohol problems, must be on the SAP’s own letterhead (and not the letterhead of another service agent) signed and dated by the SAP, and must contain the following delineated items:

1. Employee’s name and SSN;
2. Employer’s name and address;
3. Reason for the assessment (specific violation of DOT regulations and violation date);
4. Date(s) of the assessment;
5. SAP’s education and/or treatment recommendation; and
6. SAP’s telephone number.

(d) The SAP’s written report concerning a follow-up evaluation that determines the employee has demonstrated successful compliance must be on the SAP’s own letterhead (and not the letterhead of another service agent), signed by the SAP and dated, and must contain the following items:

1. Employee’s name and SSN;
2. Employer’s name and address;
3. Reason for the initial assessment (specific violation of DOT regulations and violation date);
4. Date(s) of the initial assessment and synopsis of the treatment plan;
5. Name of practice(s) or service(s) providing the recommended education and/or treatment;
6. Inclusive dates of employee’s program participation;
7. Clinical characterization of employee’s program participation;
8. SAP’s clinical determination as to whether the employee has demonstrated successful compliance;
9. Follow-up testing plan;
10. Employee’s continuing care needs with specific treatment, aftercare, and/or support group services recommendations; and