



**Department of Transportation  
Office of Drug and Alcohol Policy and Compliance  
49 CFR Part 40 Interpretation Notice**

**Question:** Do the Department's rules permit the Substance Abuse Professional (SAP) to recommend a follow-up testing plan if education rather than treatment is the assistance recommended to address an individual's drug and/or alcohol problems?

**Response:** The Department's rules require the SAP to prescribe a follow-up testing program if assistance is required to address an employee's alcohol misuse and/or use of controlled substances. This assistance can be in the form of education or treatment. Self-help groups and community lectures when attendance can be independently verified, and bonafide drug and alcohol education courses are considered appropriate education experiences. In-patient hospitalization, day-treatment, and out-patient counseling programs are considered appropriate treatment experiences. Therefore, if the SAP recommends education or treatment to occur, follow -up testing will be required.

The follow-up testing plan (with a minimum of 6 tests during the first 12 months following the employee's return to safety-sensitive duties) should be provided as part of the information the SAP furnishes the employer following the SAP's face-to-face "Follow-Up Evaluation" with the employee.

Duncan mcpherson  
National counseling resource  
6821 woodmore oaks drive  
Orangevale, ca 95662

Dear Mr. McPherson:

Thank you for your recent correspondence to the Department of Transportation's Office of Drug and Alcohol Policy and Compliance. In your letter you inquire as to the follow-up testing requirements a Substance Abuse Professional is to provide to the employer when drug and alcohol education is the recommended assistance required for your clients. The attached interpretation is provided in response.

If you wish further clarification, please contact me at (202) 366-3784. Thank you for your continuing interest in transportation matters.

Sincerely,

Jim L. Swart  
Drug and Alcohol Policy Advisor

Attachment