

SAMPLE POLICY AND PROCEDURE

BREATH ALCOHOL TESTING (BAT)

PURPOSE: To assure compliance with the US Department of Transportation (DOT) rule on alcohol testing as written in 49 CFR Part 40 when performing breath alcohol tests.

POLICY: All breath alcohol tests performed in XYZ Clinic shall be in accordance with 49 CFR Part 40.

I. TRAINING

- a. All personnel who will perform breath alcohol tests must successfully complete a DOT-approved curriculum encompassing 8-12 hours of training.

II. QUALITY ASSURANCE

- a. The quality assurance plan (QAP) developed by the manufacturer of the evidential breath tester (EBT) will be the authority for the maintenance and inspection of the testing equipment.
- b. This QAP will be available for review by all employer-clients with whom XYZ Clinic serves as the BAT agent.
- c. An external calibration using a gas standard is to be performed **after every positive breath alcohol test**. Otherwise, the EBT is to have an external calibration after every 50 tests or every 30 days, whichever comes first. A calibration log book will be assigned to each EBT used in the clinic.
- d. Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within tolerance limits.

III. BAT AGENT AND BAT STATION

- a. XYZ Clinic will serve as the BAT agent for those employer-clients who have signed agreements with the Clinic for this service. Otherwise, XYZ Clinic will serve as a BAT station. All employer-clients are required to give a list of authorized employer representatives to XYZ Clinic.

IV. LOCATION REQUIREMENTS FOR TESTING

- a. Alcohol testing shall be conducted in a location that affords visual and aural privacy to the individual being tested, and is sufficient to prevent unauthorized persons from seeing or hearing test results.

V. BREATH ALCOHOL TEST FORMS

- a. Only forms approved by the DOT are to be used for the alcohol testing process of a donor covered under the DOT regulations. Breath alcohol tests performed for worker's compensation purposes will be processed on a **NON-DOT BREATH ALCOHOL TEST FORM**.

VI. IDENTIFICATION OF DONOR

- a. A photo identification card, driver's license or authorized employer representative can be used for appropriate identification of the donor.
- b. If the donor is self-employed or an independent contractor that is not associated with a company and does not have photo ID, then 2 forms of the donor's signature may be compared for consistency. This must be recorded in the REMARKS section of the DOT form.

VII. RECORDKEEPING AND DISCLOSURE OF INFORMATION

- a. Except as required by law for alcohol tests performed for worker's compensation purposes on non-commercial driver's license (CDL) holders, NO alcohol test result can be given to anyone other than an employer representative whose name appears on the employer's representative list. A client's employee (covered by DOT regulations) subject to testing is entitled, upon written request, to obtain copies of any records pertaining to his or her use of alcohol including any records pertaining to his or her alcohol test.
- b. An employer-client can request that a copy of disclosed information be required to be maintained under the DOT regulations if pertaining to a DOT-covered donor.

VIII. SAFETY

- a. No donor with an alcohol concentration of 0.020 or greater shall be allowed to drive. If necessary, the BAT agent or other clinic personnel shall call the employer, taxi, or other escort (eg, police or family member) to transport the donor.
- b. If the donor's alcohol concentration is 0.300 or greater, he or she should be advised of the need to seek medical attention
- c. If at anytime a donor becomes hostile, the test is to be terminated and the employer notified. If a donor becomes hostile or belligerent after the BAT agent informs him or her that they must be escorted upon leaving the testing site, security or the police should be notified.