

A White Paper
on
**Implementing DOT Physicals, Drug Testing and Breath Alcohol
Testing in the Chiropractic/Medical Office**

By Clinton M. Smith, D.C.

Purpose: To explain in detail the requirements, educational certification and DOT regulations regarding implementation of DOT testing in a chiropractic or medical clinic (referred to henceforth as "clinic.")

Since the early 1990's mandatory drug and alcohol testing has been required for DOT (federal Department of Transportation) drivers, and in most states school bus drivers. The Federal Motor Carrier Safety Administration is the entity that was spun off of the DOT to manage our federal highway system as it relates to commercial concerns. There are three entities that all DOT drivers must participate in to be certified to drive: A physical examination required at maximum every two years, with some conditions requiring less than two years recertification; to be in a mandatory drug testing program which a part of the component will be a random program; and a breath alcohol program of which a part of the component will be a random program.

The Physical Examination. The FMCSA has approved five categories of examiners for the physical examination to drive a commercial vehicle. Advanced Practice Nurses (APN), Doctors of Chiropractic (DC), Doctors of Medicine (MD), Doctors of Osteopathy (DO), and Physicians Assistants (PA). There are no formal requirements at this time to perform a DOT examination. An examiner must simply fill out the physical examination sheet either presented by the driver or downloaded from the FMCSA website. It is required the examiner then issue a "Driver's Certificate" to the driver not to exceed 2 years and with certain conditions, less than two years. This information is included in the Federal Register under 49 CFR part 40.

In 2005, President George Bush signed legislation to mandate the formation of a Registry of examiners. The National Registry of Certified Medical Examiners (NRCME) was proposed. The FMCSA then called two representatives in each of the five professions to come to Washington, DC to help create that registry. Another DC and I were selected as the chiropractic profession representatives. Over a two year period, a survey was created and mailed to some 5000 examiners throughout the US. This survey asked the importance of certain aspects of the

examination in the minds of the respondents. This information was then tallied and importance levels were assigned through statistical analysis. Currently, the education aspect is being formed as well as the examination tract.

It is proposed there will be training provided by knowledgeable peers in the professions utilizing the core training program designed by the panel and approved by the FMCSA. Soon after, potential examiners will then proceed to a designated test center where the examination will be administered via computer. These centers will be accessible throughout the US. Once the exam is passed, the examiner will then be approved to perform DOT exams much like a FAA flight surgeon would administer a pilot's examination.

There are potential problems the FMCSA freely discusses. Unlike FAA pilots, where the number is about 200,000, there are at least 10 million drivers on the road. FMCSA expects that number to continue to rise. The concern is that a lot of examiners simply will not bother with becoming certified and the current number of over 200,000 examiners in the US will drop to around 50,000. This will put a heavy burden on trucking companies to get their drivers to a certified DOT examiner. The initial driver to examiner ratio will be large. The average price of an exam in the US may go from \$65 to over \$200 when considering supply and demand.

FMCSA is strongly encouraging any and all examiners currently performing these physicals to continue or begin doing them. Getting familiar with the physical exam (which will not change), the nomenclature, acronyms and paperwork currently required is their desire. None of these are forecasted to change. JUST the training of the examiners will indeed be upgraded.

As one can see, the lucrative possibility of performing these exams is evident. This will continue until a larger number of examiners thin out the pool, but by that time, a niche can be carved. In rural areas especially, the possibilities are quite handsome.

The issue is training. If you have consistently performed DOT exams or similar exams, you should already be familiar with them. If you are rusty, have mostly concentrated on muscular and skeletal examinations over the years, and feel intimidated or out of shape performing DOT exams, then some booster training would be appropriate.

I have been fielding questions for over two years now from our profession. Doctors realize this is an easy way to increase income without insurance hassles. I developed a video a year ago to help doctors freshen up on their techniques as it applies to the DOT. This video is available for \$130.00 on my www.trioclinics.com website. The packet includes the video, a pocket regulations manual, blood pressure guidelines and some select cardiac guidelines. This is a quick and easy way to get going, so when the official training is offered you are miles ahead of the competition.

I will be offering an official training course when the training information is released by the FMCSA.

Drug Testing

This is the second of the TrioOne concept. Many companies utilize a hospital for their drug testing collection. Drivers complain of waiting a long time, companies complain of poor service and drivers are off the road too long. Usually, there are no physicals performed, so that is done somewhere else. Then, on occasion, they must go to yet another source for the breath alcohol.

Testing for the 5 illicit drugs is mandatory on recertification and random pulls.

How do you get involved? First you and your staff are trained to collect. Secondly, you must align yourself with a good TPA or Third Party Administrator. A TPA is an entity that simply handles randoms, billings and support for you and the company. You are the collector,

but the TPA runs the randoms for the company, then faxes the collection list to your clinic once a quarter. The company also gets this fax. Then all three work together to get the drivers in for testing.

The drug test is simply a urine sample that is bundled up in paperwork in a chain of custody manner and a mailer bag and sent to our lab in Minnesota. Medtox is our DOT lab. There are only a handful of labs in the US that are certified DOT labs. Not just any local lab can test the urine. Most hospitals bundle them up and send the samples to one of the few labs, just like you will.

The supplies cost you nothing. They are supplied by the lab. You also pay nothing for shipping. When you get a new company, you can call Safelink, our third party administrator and we will get your company contact name or DER (Designated Employer Representative) and then get a list of the drivers. We put them in our random software and every quarter the lists are generated. They are faxed to you and the company as said previously. Your job? Make sure you have qualified collectors on staff, 5 days a week during normal business hours.

So you say you don't have normal hours? Then don't do DOT work. Randoms will come in as you might expect, well, randomly. There is no notice to these drivers, so they need to come in during normal business hours for their collections. If you have just a few hours on Tuesday or Thursday that you are open, then just stick with the physicals exams, or start doing all three and have a staff member there answering phones and doing collections. (Who knows the calls you are missing!!)

Breath Alcohol Training

This is the third part of the TrioOne concept. Many drivers are forced to drive hours to have a BAT performed. Odd, because the federal rules mandate they must do it just prior to, during or just after performing safety sensitive functions.. which is driving! Imagine if you had that service. Once trained, it is easy to perform and you will be

known in your area for having all three parts of the DOT requirements for testing.

The downside to BAT is that the majority of the training weekend is devoted to it. The cost for the device is about \$2000 of the training fee and you will only be doing about 10% of a company's testing because DOT only requires that percentage of the company's workforce to be tested. So, you have a device that is a little expensive and will take time to recoup the expense, but you have all three requirements and that will draw more companies to you, so indirectly your clinic will recoup the cost of the BAT device.

Physicals alone or combining all three?

There is absolutely nothing wrong with just doing the physicals. That is done each day across the US. However, imagine, if you will, a clinic that combines all three of these services. Three services that are mandated by the DOT! Most of these services are provided by large corporations or hospital systems. Long wait times, poor advice and errors are common. Imagine if you had all three in your office and an entire support network behind you? You could advise companies, you could collect urine for drug testing and perform breath alcohol testing all in your clinic. All but the physicals will be done by your staff, because they are certified! All of these tests can be and should be done in your office because you are more caring, more educated than an RN doing them in a hospital. When a company has a problem with DOT questions, you will have an answer.

Our TPA, Safelink, Inc. (www.safelinkdrug.com) provides all the setup of the companies you acquire. We use state of the art computer randomization software that meets and exceeds DOT parameters. Safelink is ran by an attorney who knows DOT rules and regulations and can safely and accurately administer the clients DOT random programs.

What do you get out of it? Let's say a drug test is \$45. The lab and MRO will get \$30, your office will get \$10 for collection and Safelink

gets \$5 for administration. Physicals will pay you around \$50 after our administration fee is taken out. Breath alcohol tests pay around \$35 to the collector. All of these one at a time do not seem like too much, but over time they add up greatly especially when you continue to grow in your business, all along while not doing anything more than making sure you are open 5 days a week and you have a collector on staff during open hours. You are paid directly from the TPA for all work you do. Once the physical, BAT or collection is done and sent, you are finished. You will never see results and have no say on who is pulled. This is called an "arms length transaction." This prevents the examinee who tests positive from alleging collusion between the doctor and the company. By inserting the third party administrator legal and liability problems become minimal.

You should consider doing all three. This is where most of the lucrative market is. You would have a DOT compliance clinic or TrioOne clinic.

The Positive Side Effects

Just think all of these people that are coming in your office that may have never had the opportunity. They see a professional staff, nice surroundings and though it may take a drug test or physical or BAT or two for them to warm up to the office, they may indeed with little or no prodding, turn to you when they are in pain. You may expect as little as 10% or as high as 30% conversion to new patients with MILD marketing. I teach you that in my on site training. Hard marketing of DOT clients is not recommended. They tend to report that the doctor is "just trying to get them as a patient," and companies tend to shy away from examiners that market hard.

Training

Training you and your staff seems expensive at first. I will break it down for you. I am a certified breath alcohol trainer on Intoximeter's Alco-Senor IV and slip printer. I am also a certified Collector Trainer by

DATIA (Drug and Alcohol Testing Industry Association). I have trained numerous clinics across the country. One long, tough weekend, gets you all ready on Monday morning. When I leave, all of you are trained and certified as a team. This means less error rates when collecting. Everyone helps each other and you become a well oiled DOT machine.

The cost is \$5700 per clinic. That includes all staff and doctors. All training materials and one Alco-Sensor IV device with all the necessary supplies. It also includes my travel and training fee. ALL supplies are included. You and your staff just have to be there from 7:30 am until 5:00pm on Saturday and 7:30am until around 1pm on Sunday. There are two examinations given to certify everyone.

Despite being a hard weekend, it is hilarious and fun. We eat, take breaks and the office becomes closer and more of a team. You will enjoy it. Each doctor I have trained has expressed their gratitude and how much fun they have had.

One initial expense, and that is all. If you are interested, you can call me at 618.526.7732 (office) or 618.210.7908 (cell) or you can ask for Lindsey if I happen to be with a patient. Would rather email? Sure, marc@doctormarc.com.

Hope to see you soon!

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