

Stark County Board of Developmental Disabilities

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Post-Accident Testing for Alcohol and Controlled Substance	
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Post-Accident Testing for Alcohol and Controlled Substances

A. All Vehicle Operators and Bus Drivers shall submit to a test for drug/alcohol, as soon as practicable, if involved in a traffic accident under the following conditions*:

Type of Accident Involved	Citation Issued?	Test must be performed
Human Fatality	Yes	Yes
	No	Yes
Bodily injury with immediate	Yes	Yes
medical treatment away	No	No
from the scene		
Disabling damage to any	Yes	Yes
motor vehicle requiring	No	No
tow away		

- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- (2) Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by tow truck or another motor vehicle.

B. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employee shall test for controlled substances for each of its surviving drivers:

- (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- (2) Who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

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- (a) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (b) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The Department Head or Manager shall assure that the affected drivers are provided with necessary post-accident information and procedures and instructions prior to the driver operating a commercial motor vehicle, in order that drivers will be able to comply with the requirements 49 CFR §382.303 of the Federal Motor Carrier Safety Regulations (FMCSR).

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the Board as having refused to submit to testing. However, nothing shall impede contacting necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

A staff person seeking medical care or reporting for post-accident testing should inform the testing facility and have the test preformed prior to taking any prescribed medication for pain, etc.

C. The FMCSR section does not apply to:

- (1) An occurrence involving only boarding or alighting from a stationary motor vehicle; or
- (2) An occurrence involving only the loading or unloading of cargo; or
- (3) An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in Sec. 571.3 of the title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with Sec. 177.823 of the title.

Drivers meeting the post-accident criteria will be given an Authorization to Treat/Examine form (attached). Drivers are to utilize Aultman Hospital, 2600 6th St. S.W., Canton, Ohio or Aultman Immediate Care Facility located at 6100 Whipple Ave., North Canton, Ohio.

Should an accident occur meeting the above criteria for post-accident testing, and no supervisor is available to provide the Authorization to Treat/Examine form, the staff person is to report to Aultman Hospital or Immediate Care Facilities, show his/her Photo I.D. Badge and request the test for alcohol and test for controlled substances. The test for alcohol is to be within eight hours of the occurrence and the test for controlled substances is to be within thirty-two hours of occurrence.

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Should an accident occur at a distant location where the utilization of the above testing facilities is not practicable, the driver will be informed of the nearest location where a test may be obtained. Should the nearest location not be of a reasonable distance, the driver may contact an immediate care facility, confirm that facility can perform Alcohol and Drug testing in accord with Code of Federal Regulations Title 49, Volume 1.

The supervisor is to be given the name and phone number of the location(s) where post-accident alcohol and controlled substances testing is taking place. The supervisor will contact the site, explain the situation, determine the cost and authorize the expenditure.

The staff person is to request that the results of the testing results are communicated to the Director of Human Resources/designee at 330-477-5200.

The Director of Human Resources/designee will, upon verbal notification of a verified positive alcohol or drug test, or a verified adulterated or substituted test, or a refusal to submit to a test, or any other positive determined test, remove the employee from performing any safety sensitive function.

The employee has 72 hours from the time of notification of a positive alcohol or drug test to request a split specimen. The request is to be made by contacting the Medical Review Officer (MRO). The Director of Human Resources or designee will receive notice from the MRO of the request and will ensure that the split test occurs. The employee is responsible to reimburse the Board for the cost of the split test after the test has taken place (49 CFR §40.153).

All persons with a positive test for either alcohol or controlled substances are subject to the Board's Policy 4.52, Alcohol and Drug Abuse Policy and to the federal requirements for completion of a Substance Abuse Professional (SAP) evaluation, referral and education/treatment procedure.

Each new employee required to have and maintain a Commercial Driver's License (CDL) shall be notified that a post-accident alcohol or controlled substances procedure exists.

*No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever comes first.

Ref. 49 CFR §382.303
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