



12 COTTAGE FIELD COURT, GERMANTOWN, MARYLAND 20874
800/672-7229 - FAX 301/5401756 WWW.SAPAA.COM

18 March 2003

PRESIDENT
IRA JANE HURST-ROMERO, C-SAPA
IRA JANE HURST & ASSOCIATES

SECRETARY
ELIZABETH EMERSON, C-SAPA
CONCENTRA

TREASURER
FRANCES JACKSON DOVER, C-SAPA
DRUGTEC SYSTEMS, INC.

PAST PRESIDENT
MATTHEW FAGNANI, C-SAPA
WORKSAFE, INC.

DIRECTORS:

BETH BARILETT
LABONE

ROBERT BRUNER, CEAP
NATIONAL SUBSTANCE ABUSE
PROFESSIONALS NETWORK

JULIE DAUGHERTY, C-SAPA
CONTINENTAL AIRLINES

FRANCES J. DOVER
DRUGTEC SYSTEMS, INC.

KATHLEEN DUBOIS, C-SAPAA
CONSULTANT

MURRAY LAPPE, M.D.
E-SCREEN, INC.

CAROLYN MCGUIRE, C-SAPA
NSA OF MARYLAND

MICHAEL MEREDITH, PHD
PHARMATOX

CINDY ZUBER, C-SAPA
SOUTHWEST AIRLINES

Mr. Kenneth Edgell
Acting Director
U. S. Department of Transportation
Office of Drug and Alcohol Policy and Compliance
400 7th Street, SW., Room PL401
Washington, DC 20590

RE: Request for extension of deadline of the requirement of SAP
qualification documentation beyond December 31, 2003

Dear Mr. Edgell: 05T-2002-13435-

The purpose of this letter is to communicate a growing concern in the drug testing industry (especially by employers, given their compliance issues in maintaining public safety) regarding the time line of December 31, 2003, in Part 40 for SAPs to meet the qualification training/examination requirement. The emerging fear of employers and the industry of having to continue the implementation of a mandated regulation without the gatekeeper (the SAP),m therefore being out of compliance, becomes a solemn reality on January 1, 2004. Of particular note, the industry is already witnessing an increase in the number of employers who are terminating employees who test positive under DOT in order to seek new employees who have no compliance issues-in other words, employers are becoming more cognizant of the legal implications of negligent retention of such employees. This aspect becomes even more pronounced when the return-to-work process under DOT for such employees may be next to impossible to implement.

Why can't the process be completed? SAPAA believes that there are several situations which have occurred independent of each other. First, from August 2001 until just recently, SAPs found themselves participating in training which did not provide an examination which met DOT requirements. Many SAPs thought that those exams did meet the requirements and only just now are being made aware of their lack of qualification under DOT. As well, SAPs who are currently (and previously) practicing, qualified SAPS, dominate the field with several consistent complaints: that the amount of available SAP work in this regard does not warrant the high cost of such training given that an exam does not even accompany the training, that they cannot afford again to leave their practices to attend training given that the first round of training did not provide for examination; that the first round of training without an examination made them rethink their roles as being SAPs such that the attainment of the SAP qualification documentation resulting from examination became less desirable. Second, the industry did not fill the training/examination void in a timely manner and failed, specifically, to provide the necessary examination allowing SAPs to meet the qualification expectations

2003 MAR 19 P 1 15

DEPT. OF TRANSPORTATION
DOCKETS

required as of December 31, 2003 which permits them to continue or start SAP work on January 1, 2004. As a direct result of this void, the bottom line to the whole program is the SAP's frustration over not finding an examination available or accessible which has dampened the pursuit of working as a SAP and the industry has witnessed SAPs dropping out of the business of doing SAP work. These developments have occurred already without anyone actually requiring SAP qualification documentation.

SAPAA and the SAPAAs Training Institute has recognized this void and its ramifications nationwide to employers and employees. We began working toward filling this void at the end of 2001. We formed an alliance with Richard Buckley, of Buckley Productions, on finalizing an online computer-based training/examination program for SAPs. We quickly found out that there were many obstacles in the way of providing an inexpensive internet training course and exam which met your requirements (as evidenced by the several conversations which were held between your office and Mr. Buckley, Mr. Bob Bruner (SAP Network and a SAPAA member) and myself). We are finally getting to the culmination of our efforts but the internet course/exam will not be available until May 2003. Our classroom course and a SAPACC exam has been available since May 2002. We also know that there are at least two other exams that may mto meet your requirements, the EAPA exam and the one from NADACC. However, we aren't absolutely positive because we don't have access to them. ^This classroom style of training and these exams are too few to satisfy nationwide requirements for the number of qualified SAPs which will be needed. Given this failure of the industry to provide in a timely manner a qualification examination to SAPs, there is an immediate need for more time for Substance Abuse Professionals to become qualified SAPs.-We urgently recommend that a one year extension of the existing deadline beyond the date of December 31, 2003 be given and the public immediately notified.

The purpose of this extension would be at least two-fold: to provide more time for professionals to acquire successful completion of the necessary examination requirement under DOT and secondly, to allow the industry to better market to professionals the availability and the accessibility for SAPs to be able to meet the qualification expectations under DOT in an inexpensive manner there fore allowing a greater number to become qualified.. If this industry cannot attract qualified clinicians and motivate previously practicing SAPs back into the worthwhile nature of performing SAP work, there may well be a train wreck for those employers governed by DOT and their employees testing positive under DOT from January 1, 2004. We suggest that it is very possible that employees and employers may reach a deadlock, an impasse if you will, on meeting the requirement to become compliant under Part 40 because of the sparse number of SAPs available in the entire country. This is based on the fact that as of this date, only a handful of clinicians have reported to employers and SAP service suppliers that they have SAP qualification documentation. Many have reported their participation in qualification training but they report now, for the most part, little interest in completing a qualified exam in order to obtain such documentation. In addition, it appears that only SAPACC has conducted an examination as a result of its most recent SAP training course which issued to the participants the necessary qualification documentation to demonstrate their successful completion of the examination requirement.

Mr. Kenneth Edgell
Department of Transportation

18 March 2003
Page Three

Please understand, that this request is not motivated by pecuniary gain: SAPAA is a true volunteer, not-for-profit organization and while we will market our product, our concern is and always has been, the ability of our members to offer and participate in the best, most compliant substance abuse programs possible. Remember our mission is to educate! But time, now, is needed to complete this mission in relationship to SAPs.

We have not often needed to draw your attention to an issue. But when we do, you listen. Thank you for this courtesy and the cooperation your department always shows to SAPAA when we bring issues to your attention that we believe adversely affect the DOT program.

Best regards,



Ira Jane Hurst-Romero, C-SAPA, C-SI
President