

# **Maritime Substance Abuse Evaluations**

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Maritime employers are not permitted to employ anyone to serve as a crewmember unless the individual passes a chemical test for dangerous drugs. The employer must conduct pre-employment, periodic, random, serious marine incident, and reasonable cause tests for dangerous drugs.

When a Merchant Marine (MM) fails a chemical test for dangerous drugs, his employer must report the test results in writing to the nearest Coast Guard Officer-in-Charge of Maritime Inspections. When there is a positive test, there is an established suspension and revocation procedure that not only promotes safety at sea, but also protects the Mariner's rights.

The parties to suspension and revocation proceedings are; the Mariner, the Investigating Officer (IO), and the Administrative Law Judge (ALJ). The IO is the US Coast Guard official designated by the appropriate authority for the purpose of conducting investigations of marine casualties or matters pertaining to the conduct of credentialed Merchant Mariners. The ALJ is the person appointed by the Commandant of the Coast Guard to conduct hearings.

If a Merchant Marine fails a chemical test for dangerous drugs , a referral is made to the US Coast Guard and an IO is assigned. The IO conducts an investigation and prepares a complaint that is served on the MM. In suspension and revocation proceedings, resulting from a positive test for dangerous drugs, IO's must propose that the ALJ revoke the Mariner's credential. However, the IO has the discretion to offer the Mariner a settlement agreement to provide the mariner an opportunity to prove that he is cured of dangerous drug use.

The standard settlement agreement requires the Mariner to admit to all jurisdiction and factual allegations in the complaint. That means the

Mariner must acknowledge being a holder of Maritime credentials and that his sample tested positive for the particular dangerous drug in question.

The settlement agreement must also provide that the mariner's credential is revoked, but that the revocation is stayed pending satisfactory completion of all terms of the agreement; and, that the mariner enroll in an approved drug rehabilitation program which takes approximately 60 days.

The first step in developing a rehabilitation program involves having a substance abuse evaluation conducted by a Substance Abuse Professional (SAP) who has US Department of Transportation qualifications. The substance abuse evaluation involves the Mariner being objectively tested and evaluated with a resulting recommendation for education, counseling or treatment. This recommendation fulfils the requirement for a rehabilitation program.

The evaluation must contain: (1) the name and the full social security number of the MM (2) a review of the medical review officers report (MRO), (3) results from the administration of diagnostic screening instruments (4) a comprehensive face-to-face clinical evaluation, (4) the review of any relevant employer reports provided by the Designated Employee Representative (DER), (5) a review of the Notice of Motion to Grant Diversion, (6) referral resources to comply with the recommendation.

The follow-up-evaluation must contain: (1) the date of the initial evaluation. (2) date of the violation (3) recommendation, (4) a report from the resource utilized in the recommendation (5) certification of compliance, (6) recommendation for aftercare, (7) recommended follow-up testing plan.

The most frequently used diagnostic instruments used are: (1) The Substance Abuse Subtle Screening Inventory (SASSI-3), (2) The Triage Assessment for Addictive Disorders (TAAD-5), (3) Substance Use Disorders Diagnostic Schedule (SUDDS-5).

The clinical evaluation should contain the following elements: (1) the qualifications of the evaluator, (2) location of evaluation, (3) length of time needed to conduct evaluation, (4) appearance and attitude of the MM, (5) current medical issues, (6) current medications, (7) drug history, (8) drug treatment history, (9) family substance abuse history, (10) work history, (11) psychological issues, (12) legal issues, (13) financial issues, (14) physical status, (15) social status, (16) incident relative to positive test result.

The evaluation should provide a diagnosis, treatment recommendations, and a treatment plan complied with prior to the employee becoming eligible for the follow-up evaluation and the return to safety sensitive duty. The SAP is to send the report directly to the IO.

The rehabilitation program can include, but is not limited to: In-patient treatment, partial in-patient treatment, outpatient treatment, substance abuse counseling, education programs, and aftercare. The SAP acts as a referral source to assist the employee's entry into an acceptable program. The SAP should have a working knowledge of quality programs and qualified counselors as well as insurance, benefit plans, and payment requirements. The SAP should have firsthand knowledge of all referrals and maintain contact with the treatment or education provider while the employee is involved.

When the rehabilitation program has been completed the U.S. Department of Transportation requires the SAP to conduct a face-to-face follow-up evaluation. At this time the SAP is required to review the employee's participation in the recommended program and determine whether the individual is fit to return to safety sensitive duty. The SAP can make aftercare recommendations for the employee which can be incorporated into a return to duty agreement. The final evaluation requires the SAP to certify that the MM has complied with the recommendations and is fit to return to safety sensitive duty.

Upon successful completion of a drug rehabilitation program, the Mariner must agree to demonstrate complete non-association with dangerous drugs by submitting to a minimum of 12 random, unannounced drug tests to be administered during the following 12

months. During this 12-month period, the mariner is also to attend a substance abuse monitoring program (AA/NA) of at least 2 meetings.

Upon completion of the requirements listed in the settlement agreement, the Mariner must provide proof of compliance to the Medical Review Officer (MRO). The MRO (who made the initial determination) must then certify the Mariner as being drug-free and the risk of subsequent drug use is sufficiently low as to justify the mariner's return to duty.

The Mariner will be subject to increased unannounced testing for a period of up to 60 months following his return to duty. The frequency of the testing to be recommended by the SAP but ultimately determined by the MRO.

Mariners are prohibited from seeking a second SAP evaluation in order to obtain another recommendation after a qualified SAP has evaluated the MM. No one is permitted to make a more or less stringent recommendation by changing the evaluation or seeking another SAP's evaluation. The SAP who made the original evaluation may modify the evaluation and recommendations based on new or additional information.