Federal Motor Carrier Safety Agency (FMCSA)  
National Registry Certified Medical Examiners (NRCME)  

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ACRONYMS

• DOT; U.S. Department of Transportation
• FMCSA; Federal Motor Carrier Safety Agency
• NRCME: National Registry Certified Medical Examiners
• NTSB: National Transportation Safety Board
• CDME: Commercial Driver Medical Examiner
• CCDME: Certified CDME
• CDL: Commercial Drivers License
• CMV: Commercial Motor Vehicle
• CFR: Code of Federal Regulations
• PQ: Physically Qualified
• DQ: DisQualified

SYLLABUS OUTLINE

Training Topics to include:

1. Background, rationale, mission, & CDME’s role;
2. CMV driver’s responsibilities & work;
3. CMV driver’s identification & medical history.
   a. Obtaining, reviewing, & documenting.
   b. Prescription & over-the-counter medications.
4. Medical Examination;
   a. Performing & documenting.
5. Additional diagnostic tests or medical opinions, as needed;
   a. Performing, obtaining, & documenting diagnostic test.
   b. Obtaining medical specialist/treating physician opinion.
6. Inform/educate CMV driver;
   a. Medications/non-disqualifying medical conditions needing care.
7. Determining driver certification outcome;
   a. Including period for which certification is valid.
8. FMCSA reporting & documentation requirements.
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### Regulations Versus Medical Guidelines (Guidance)

Certified CDME: important to distinguish between **Medical Standards**  
(49 CFR 391.41) & **Medical Guidelines**.  
**Regulations/Standards are laws and must be followed.**  
**Guidelines**, such as advisory criteria & medical conference reports are  
recommendations & are intended as best medical practices.

- **Guidelines** issued by FMCSA are:
  - To provide CCDME with additional information
  - Are based on medical literature
  - If you choose **not to follow** the guidelines, reason(s) for variation  
    should be documented AS You are responsible for determining if  
    CMV driver is medically PQ & safe to drive under FMCSRs.

- **Physical Qualification regulations** for CMV drivers in interstate  
  commerce are found at Section 391.41(b) of the FMCSRs.

- **Advisory Criteria** under 391.41, recommendations to help CCDME  
  perform CMV Driver medical examinations to determine medical  
  fitness for duty. They are accessible on FMCSA Web site at  
  Medical Advisory Criteria for Evaluation Under 49 CFR Part  
  391.41.

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### What happens if a CMV driver is not truthful about their health history on the medical examination form?

- FMCSA medical certification process designed ensure CMV drivers  
  are PQ to operate CMVs safely.

- Each CMV driver required to complete Health History section on the  
  examination report **and**  
  Certify responses are complete **and** true.

- Must also certify that they **understand that inaccurate, false or misleading information will invalidate examination & medical examiner's certificate.**

- FMCSA relies on CCDME's clinical judgment to decide whether  
  additional information should be obtained from driver's treating  
  physician.

- **Deliberate omission or falsification of information** may invalidate  
  examination & any certificate issued based on it.
FOR BOTH CCDME & DRIVER

- **A civil penalty** may also be levied against driver under 49 U.S.C. 521(b)(2)(b), *either* for making a false statement or for concealing a DQ condition.

- **Code of Federal Regulations 296**
  - (1) Recordkeeping:
    - A person or entity that **fails to prepare or maintain a record** required by parts 40, 382, 385, and 390-99,
    - OR prepares or maintains a required record that is **incomplete, inaccurate, or false**, is subject to a maximum civil penalty of $1,000 for each day the violation continues, up to $10,000.

- (2) Knowing falsification of records:
  - A person or entity that knowingly falsifies, destroys, mutilates, or changes a report or record required by parts 382, 385, & 390-99,
  - OR knowingly makes or causes to be made false or incomplete record about an operation or business fact or transaction,

- **A civil penalty** may also be levied against driver under 49 U.S.C. 521(b)(2)(b), *either* for making a false statement or concealing a DQ condition.

- **Incomplete record** about an operation or business fact or transaction,
  - OR knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary,
  - IS subject to maximum civil penalty of $10,000 if such action misrepresents a fact that constitutes a violation other than a reporting or recordkeeping violation.
FOR THE CCDME

What happens to a CCDME who inappropriately or fraudulently certifies a CMV driver?

*Errors*,
*Omissions*, OR
*Other indications* of improper certification by CCDME of CMV driver in either:

Completed Medical Examination Report *or*
Medical Examiner's certificates.

Is cause for DECERTIFICATION & REMOVAL of CCDME from NRCME.

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Title 18 U.S. Code. Secs. 1001; 3571

- Both FMCSA physical evaluation form & medical certificate are legal documents subject to US Laws:

  - "Whoever in any matter within jurisdiction of any department/agency of the US;
    - knowingly & willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact,
    - OR who makes any false, fictitious or fraudulent statements or representations, or entry,
    - May be fined up to $250,000 or imprisoned not more than 5 years, *or both*.
    - Cases of falsification may be subject criminal prosecution by DOJ.
    - True whether false statement is made by applicant, the CDME, *or both*. 
Title 18 U.S. Code. Secs. 1001; 3571

– Pressures placed on CCDMEs by regular patients to ignore a DQ physical defect that CCDME knows to exist, it is important that all CCDME be aware of possible consequences of such conduct.

– When a CMV Driver has been issued medical certificate that should not have been issued, it is necessary to retrieve & void IT, or FMCSA to begin a legal revocation or suspension action to recover the certificate, is time consuming & costly.

– Until legal process is completed, CMV Driver may continue to exercise privileges of certificate, thereby compromising safety.

TIPS TO REMEMBER

**FIRST & FOREMOST**: WHILE IT IS A RIGHT TO OWN VEHICLE IT IS A PRIVILEGE TO DRIVE A PRIVATE OR CMV ON PUBLIC ROADWAYS,

**SECOND, ALWAYS REMEMBER** THAT IN ANY MEDICAL DECISION MAKING DELIBERATIONS TO DETERMINE PHYSICAL QUALIFICATION FOR A CDL MEDICAL CERTIFICATE;

= YOU MUST ALWAYS INCLUDE PSYCH, PHYSICAL & PSYCHOMOTOR COMPONENTS OF BODY (IN TOTO) & IN RELATION TO THE JOB FUNCTIONS

= YOU MUST ALWAYS CONSIDER THE EXISTENCE OF ANY MEDICAL CONDITION ALONG WITH IT’S THERAPY FOR DISQUALIFYING FACTORS, SEPERATELY & COMBINED!
Driving:
- complicated psychomotor performance activity that depends on fine coordination between sensory & motor systems.
- Many health conditions exist have potential to impair perception, cognition (including alertness, attitude to risk, & recall) and/or motor function (psychomotor) & resulting in less safe driving.

**REMEMBER IT IS ALL ABOUT SAFETY!!!!**

FMCSA

- **Background Info:**
  **FMCSA's primary mission:** Serve the US by ensuring fast, safe, efficient, accessible & convenient transportation system that meets our vital national interests & enhances the quality of life of the American people, today, & into the future. Reduce crashes, injuries and fatalities involving large trucks and buses.

- Develops & enforces regulations that enhance safety in the operation of CMV’s.

- Proposes to develop the NRCME program to improve highway safety & CMV driver health by requiring CDME be trained & certified to effectively determine if an interstate CMV driver meets FMCSA physical qualification standards under 49 CFR 391.
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**Final Rule for National Registry of Certified Medical Examiners (NRCME):**

**HISTORY:**

Notice of Proposed Rule Making (NPRM) **December 1st, 2008**
- To: Office of Secretary of Transportation: 7/28/2011 (actual)
- approved by DOT Secretary LaHood September, 2011
- To: Office of Management and Budget: 9/28/2011 (actual)
- Office of Management and Budget Clearance: 04/10/2011 (actual)

NRCME **Final** Rule Federal Registry Publication: **4/20/2012**

**Effective Date:** **05/21/2012** for companies with 50 or more drivers

**Compliance Date:** **05/21/2013** for companies with 50 or more drivers

**Compliance Date:** **05/21/2014** for **all drivers & all companies**

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**Historical Perspective**

Required by SAFETY-LU legislation signed by President Bush in 2005, **NRCME;** recommendation from NTSB report based on investigations, of growing trend since 1990, of Human Factors/Medical caused CMV crashes with multiple fatalities.

**Components of NRCME Final Rule** FMCSA sponsors of:
- To increase highway safety by reducing accidents caused by driver medical conditions (**Human Factors**).
- Improve quality of Commercial Motor Vehicle (CMV) Driver Medical Exam
- Promote **consistent application of FMCSA Medical Standards.**
- Comply with all Advisory Criteria & Guidelines thru mandatory medical examiner training & certification.
- Certify **Commercial Driver Medical Examiners (CDMEs)** composed primarily Medical/Osteopathic Physicians, Chiropractors, Physician Assistants, Advanced Nurse Practitioners.
Legal Justification

NATIONAL TRANSPORTATION SAFETY BOARD
Public Meeting of
August 28, 2001
(the information below is subject to editing)

Highway Accident Report
Motorcoach Run-Off-the-Road Accident
New Orleans, Louisiana
May 9, 1999
NTSB-HAR-01/01

Legal Justification

EXECUTIVE SUMMARY

On May 9, 1999, about 9:00 a.m., a 1997 Motor Coach Industries 55-passenger motorcoach, operated by Custom Bus Charters, Incorporated, was traveling eastbound on Interstate 610 in New Orleans, Louisiana. The bus, carrying 43 passengers, was en route from La Place, Louisiana, to a casino approximately 80 miles away in Bay St. Louis, Mississippi. As the bus approached milepost 1.6, it departed the right side of the highway, crossed the shoulder, and went onto the grassy side slope alongside the shoulder. The bus continued on the side slope, struck the terminal end of a guardrail, traveled through a chain-link fence, vaulted over a paved golf cart path, collided with the far side of a dirt embankment, and then bounced and slid forward upright to its final resting position. Twenty-two passengers were killed, the busdriver and 15 passengers received serious injuries, and 5 passengers received minor injuries.

The ensuing investigation established that the 46-year-old driver possessed a current commercial driver’s license and medical certificate, but suffered from several life-threatening medical conditions of the kidneys and heart. A witness riding in a car behind the bus stated that
SAFETY RECOMMENDATIONS

To the Federal Motor Carrier Safety Administration:

1. Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements:
   - Individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.
   - A tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.
   - Medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.
   - Individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.
   - The review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.
   - Enforcement authorities can identify invalid medical certification during safety inspections and routine stops.
   - Enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.
   - Mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

2. Develop a system that records all positive drug and alcohol test results and refusal determinations that are conducted under the DOT testing requirements, require prospective employers to query the system before making a hiring decision, and require certifying authorities to query the system before making a certification decision.
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FMCSA

SUPPORTING STATEMENT
MEDICAL QUALIFICATION REQUIREMENTS

Introduction: The purpose of this Supporting Statement is for the Federal Motor Carrier Safety Administration (FMCSA) to request the Office of Management and Budget’s (OMB) approval to revise an information collection (IC) entitled, “Medical Qualification Requirements,” covered by OMB Control Number 2126-0006, which is currently due to expire on May 31, 2010. This revision is due to the Agency’s development of a notice of proposed rulemaking (NPRM) entitled, “National Registry of Certified Medical Examiners (NRCME),” (73 FR 73129), December 1, 2008 that would require medical examiners who conduct medical examinations for interstate commercial motor vehicle (CMV) drivers to be certified by FMCSA. This certification would require medical examiners to: (1) be familiar with FMCSA’s physical qualification standards; (2) pass a certification test; and (3) maintain competence through periodic retraining and retesting. Medical examiners would be required to submit demographic and eligibility data in order to apply to take the certification test. The NPRM also requires medical examiners to provide: (1) FMCSA with certain information about completed Medical Examination Reports of CMV drivers; and (2) authorized representatives of FMCSA or authorized federal, State or local enforcement agency representatives with copies of Medical Examination Reports and medical examiner’s certificates.

FMCSA

- **California Experience:** 66,000 medical exams, 10% should have not been issued due to lack of medical qualification or required certificates of shorter duration.

- **Indiana Experience:** 28% error rate in medical certification process.
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**FMCSA**

- **Epidemiology:** 14 Million Commercial Drivers License
  - Heavy truck drivers: 2,031,300 to 2,264,200
    - Bus Drivers: 691,400 to 735,300
    - 7,000,000 active interstate drivers
    - DOT PE annual or Biannual

- **Estimated:**
  - Current DOT providing CDME over 100,000 ???
  - Current annual PE load 3 to 4,000,000
  - Average 45 medical exams per month/examiner
  - With CCDME total of 40,000 only to perform 3-4mil DOT PE/yr
    = Average 75/month
  - Over 9 million registered trucks, 3,733 CMVA with 4,300 fatalities
  - Over 843,00 registered buses, 247 CMVA with 307 fatalities

**NRCME**

- **The National Registry:**
  A Federal program that establishes requirements for:
  - Healthcare Professionals (HCPs), whose **scope of practice**, as defined by state in which they practice, **authorizes** them to perform physical examinations,

  - HCPs who perform physical qualification exams for truck & bus drivers & provide them **medical certificates** for Commercial Driver License (CDL)

  - HCPs will meet requirements of Section 391.41 of FMCSR to be certified & listed on FMCSA’s NRCME by May 21, 2014
NRCME Objectives

- FMCSA believes it can improve the knowledge & capabilities of CDME about FMCSA’s physical qualifications standards & guidelines for CMV operators.

- CDME would be more aware of the demands that operating a CDMV can make on drivers & the impact such demands can have on their health.

- CMV operators who do not meet the physical qualifications standards have a direct impact on the safety of CMV Operations.

- Demands of such operations may impact the health of CMV drivers.

- Based on its own knowledge & experience, FMCSA believes that enhancement of knowledge & capabilities of CDMEs would have clear & direct positive impact on both safety of CMV operations & driver health.

NRCME Objectives

- Improve highway safety and CMV driver health

- Maintain ongoing competency of CDME training, testing, certification, & recertification

- Ensure that CDMEs fully understand medical standards in Federal Motor Carrier Safety Regulations (FMCSR) & how they apply to CMV drivers

- Ensure that list of CCDMEs is accessible

- Disseminate information about transmission of CMV driver Med Exam’s electronically to FMCSA
NRCME Objectives

Applicability

• With limited exceptions:
  – all drivers who operate CMVs (both non-CDL & CDL CMVs) in interstate commerce must comply with the qualification requirements of 49 CFR Part 391 of the FMCSR

NRCME Definition of Medical Examiner

• … “an individual certified by FMCSA and listed on the NRCME in accordance with subpart D of this part”

  – CERTIFIED COMMERCIAL DRIVER MEDICAL EXAMINER (CCDME)

  – Definition would apply 2 years after MAY 21, 2012 for CMV drivers employed by motor carrier with 50 or more drivers & 2 years for all other CMV drivers
Benefits

- **1st step** in phased in implementation of improved medical fitness program
- **Link** to other medical initiatives
- **Require** CMV drivers to update medical certifications
- **Provide** roadside access to medical certification status

NRCME

National Registry:

- **Developed** to improve highway safety & driver health by requiring CDMEs be **trained & certified** able to determine effectively whether CMV driver's health meets FMCSA standards.

- **Supports** FMCSA's goal to improve safety & reduce fatalities on our Nation's highways by educating CDMEs about **FMCSA medical standards** for CMV drivers, & enhancing understanding of mental & physical demands of operating a CMV to determine if driver can handle these demands, **SAFELY!!**.
**NRCME**

**Who are Medical Examiners?**

A person who is licensed, certified, and/or registered, in accordance with applicable State laws and regulations, to perform physical examinations.

The term includes:
- Doctors of medicine (MD),
- Doctors of osteopathy (DO),
- Non-Physician Midlevel providers;
  - doctors of chiropractic,
  - physician assistants,
  - advanced practice nurses.

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**All HCPs:**

- Who intend to perform driver physical examinations & issue medical certificates, must become a [certified commercial driver medical examiner (CCDME)](https://www.fmcsa.dot.gov/driver-medical-examiners) & be listed on NRCME.

- **Compliance Date May 21, 2014:** All CMV drivers seeking a medical certificate must use a CCDME on the National Registry.

- **ME Registration Date August 20, 2012:** CDMEs may register at National Registry web site & receive their unique identification number to be used to sign up for mandatory training & testing.

- **CDMEs must:**
  - Complete training (8hrs) with certificate of participation
  - Complete & pass a 2 hr exam on FMCSA’s physical qualifications standards & guidelines. May take q 30d & not more than 3 yrs after training completed.
Before 05/21/2014:
- Est 40,000 CCDMEs required to complete a training program before becoming certified to perform over 3 million CMV physical exams/yr for **interstate truck & bus drivers**.

- CCDMEs must pay for initial & recert training q 10 yrs (≥ 9 yrs), FMCSA will provide complete refresher training online at no cost q 5 yrs (≥ 4 yrs).

- To become an eligible **training provider**, organizations must be accredited & develop training that conforms to FMCSA regulations & guidelines for CDME.

- FMCSA has prepared **online reference documents** to help prepare training organizations & CDME alike. Contact information for CCDMEs available online at National Registry web site to drivers to obtain CMV driver physical examination.

**Round-Trip Process from Registry to Taking the Test**

1. Candidate NE visits NR website to determine testing location.
2. Candidate NE visits TO website to schedule test at a particular test center.
3. Test Center marks up to National Registry Website. Looks up candidate NE by NRID.
4. Test Center NE verifies credentials and ID.
5. Candidate NE visits test, provides results to candidate.
6. Test Center calls NR website to upload test results.
7. Test results available in NR system.

**Legend**
- ID - Identification
- ME - Medical Examiner
- NR - National Registry
- NRID - National Registry Number
- TO - Testing Organization

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NRCME REFERENCES

• **Core Curriculum:** Provides outline for training CDME receive through private-sector training providers. It includes FMCSA regulations & related guidance.

• **Medical Examiner Sample Training Manual:** comprehensive example of CDME training that demonstrates one way to cover 8 training topics in core curriculum required by FMCSA.

• **Medical Examiner Candidate Handbook:** Introduces CDME to the necessary steps to earn FMCSA certification, focuses primarily on training & certification testing, also covers how to maintain active certification or become recertified if requirements to remain active are not met.

• **Medical Examiner Handbook:** resource guide to FMCSA medical standards & related guidance for CDME who performs driver exams.

NRCME

To become a Training Organization:

• Be accredited by a **nationally recognized medical profession accrediting organization** to provide continuing education units

• Meet **current core curriculum specifications** established by FMCSA for CDME training

• Training must address CDME’s responsibility to teach/inform driver about medications & impact medications may have on safe operation of a CMV

• Provide training participants with **proof of participation**

• Provide FMCSA point of contact information to training participants
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<table>
<thead>
<tr>
<th>National Accrediting Organizations</th>
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<tbody>
<tr>
<td>• Accreditation Council for Continuing Medical Education (ACCME)</td>
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<tr>
<td>• Accreditation Review Commission on Education for the Physician Assistant, Inc. (ARC-PA)</td>
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<td>• American Academy of Nurse Practitioners (AANP)</td>
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<td>• American Academy of Physician Assistants (AAPA)</td>
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<td>• American Association of Occupational Health Nurses (AAOHN)</td>
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<td>• American College of Occupational &amp; Environmental Medicine (ACOEM)</td>
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<td>• American Medical Association (AMA)</td>
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<td>• American Nurses Credentialing Center (ANCC)</td>
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<td>• American Osteopathic Association (AOA)</td>
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<td>• American Osteopathic College of Occupational &amp; Preventive Medicine (AOCOPM)</td>
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<tr>
<td>• Colleges &amp; universities accredited by U.S. Department of Education Office of Postsecondary Education</td>
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<tr>
<td>• National Commission on Certification of Physician Assistants (NCCPA)</td>
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<tr>
<td>• Providers of Approved Continuing Education (PACE)</td>
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• **Note:** The Federal Motor Carrier Safety Administration does not endorse or give preference to organizations that accredit healthcare training; this is just an example of some of the groups.

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<th>NRCME</th>
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<tr>
<td><strong>Training organizations</strong> may use any mode of delivery, including:</td>
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<tr>
<td>• Instructor-led classroom</td>
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<td>• Self-paced e-learning</td>
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<td>• Blended learning (combination of modes)</td>
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<td>• Guided literature review</td>
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| Note: | There is no formal approval process of training courses; it is recommended that training organizations stay current with FMCSA’s regulations & guidelines. |

Before 05/21/2012 published, there is no mandatory training & no NRCME “Required” or FMCSA recognized training programs to become certified for the NRCME.

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<thead>
<tr>
<th>Testing Organization</th>
<th>that wish to be listed on National Registry must:</th>
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<tr>
<td>• Meet federally defined Criteria</td>
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<td>• Submit documented policies &amp; procedures to FMCSA</td>
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<tr>
<td>• Apply to be a test delivery organization for National Registry</td>
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<tr>
<td>• Agree to initial security site visit &amp; future FMCSA reviews</td>
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NRCME

Training Topics to include:
1. Background, rationale, mission, & CDME’s role;
2. CMV driver’s responsibilities & work;
3. CMV driver’s identification & medical history.
   a. Obtaining, reviewing, & documenting.
   b. Prescription & over-the-counter medications.
4. Medical Examination;
   a. Performing & documenting.
5. Additional diagnostic tests or medical opinions, as needed;
   a. Performing, obtaining, & documenting diagnostic test.
   b. Obtaining medical specialist/treating physician opinion.
6. Inform/educate CMV driver;
   a. Medications/non-disqualifying medical conditions needing care.
7. Determining driver certification outcome;
   a. Including period for which certification is valid.
8. FMCSA reporting & documentation requirements.

NRCME

13 Modules covering various body systems:

- Introduction
- Overview
- Vision
- Hearing
- Cardiovascular
- Hypertension
- Respiratory
- Neurological
- Musculoskeletal
- Diabetes Mellitus
- Other Diseases
- Psychological
- Drug Abuse & Alcoholism
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<tr>
<td><strong>Module:</strong> composed 8 Topics that correlate to 8 Topics outlined in current Core Curriculum specifications established by FMCSA (Federal Register 49 CFR Parts 390 &amp; 391):</td>
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<tr>
<td><strong>Medical Examiner’s Role:</strong></td>
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<tr>
<td>1. <strong>Background, rationale, mission, &amp; goals</strong> of FMCSA medical examiner roles in reducing crashes, injuries, &amp; fatalities involving CMVs.</td>
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<tr>
<td>2. <strong>CMV Operation:</strong> Familiarization with responsibilities &amp; work environment of CMV operation.</td>
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<td>3. <strong>Driver Medical History:</strong> Identification of CMV driver &amp; obtaining, reviewing, &amp; documenting driver medical history, including prescription(RX) &amp; over-the-counter (OTC) medications.</td>
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<td>4. <strong>Driver Medical Examination:</strong> Performing, reviewing, &amp; documenting CMV driver’s medical examination.</td>
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<td><strong>Medical Examiner’s Role:</strong></td>
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<td>5. <strong>Additional Tests and Opinions:</strong> Performing, obtaining, &amp; documenting additional diagnostic tests or medical opinion from a medical specialist or treating physician.</td>
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<td>6. <strong>Informing CMV Driver:</strong> Informing &amp; educating CMV driver about medications &amp; non-disqualifying medical conditions that require remedial care.</td>
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<td>7. <strong>Determining certification:</strong> Determining driver certification outcome &amp; period for which certification should be valid.</td>
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<tr>
<td>8. <strong>Reporting &amp; Documentation:</strong> FMCSA reporting &amp; documentation requirements.</td>
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NRCME

Learning Objectives:
Each topic will have learning objectives that correlate with the tasks outlined in the DCO:

Identification and History.
Physical Examination and Evaluation.
Diagnostic Tests and/or Referrals.
Documentation of Ancillary Information.
Health History Counseling.
Risk Assessment.
Certification Outcomes and Intervals.

Current Status
Pathway to CCDME and listing on NRCME: FMCSA has completed all modules of on-line CDME handbook & can be viewed & downloaded from ”Medical Programs” section FMCSA website.

Completion of NRCME “Required” 8 hour training course (which must contain minimum competency content of current model) & successfully pass 2 hour certification examination will be eligible to be CCDME & eligible to be listed on the official NRCME.

“Required” training courses will be offered by third parties accredited by “Nationally recognized continuing education organization(s)”.

After completing the required training program, CDMEs will send their licensing information & course participation certificate to FMCSA prior to being issued approval to take certification test at an accredited testing center located across the country.

Periodic “Refresher” CCDME training; required every 5 Yrs (≥ 4yrs), be less comprehensive & online.

Re-cert: required q 10 yrs (≥ 9 yrs) repeating “Required” training & passing certification test.
NRCME

• Medical Examiner Training:
  – Provide to private sector trainers certified by nationally recognized accrediting organizations
  – Info on the training providers who meet the FMCSA requirements would be posted on the NRCME website
  – Core Training = 1 day (8 hours) at CME expense
  – Type: Classroom or a combination
  – Web-based refresher training every 3 years provided by FMCSA at no cost.

NRCME

• Medical Examiner Refresher Training:
  – CME would be required to complete periodic retraining at least every 3 years to refresh knowledge of both medical standards for CMV drivers & any changes to FMCSA examination standards or guidelines.
  – Anticipate FMCSA would provide this periodic retraining at no charge to CCDME & be Web-based.
  – Require passage of Core Competency test every 5 years at a cost to be borne by CCDME.
  – Require CCDME to repeat once every 10 years complete Core initial training program at a cost to CCDME.
  – Cost to CCDMEs & potential training/re-training alternatives to make the program more cost–effective.
NRCME CERTIFICATION TEST

Computerized test composed of questions from expanding pool;
- will consist 120 multiple choice questions.
- 100 questions are graded,
- 20 are being evaluated for use in future certification exams
- Pass/Fail report will be available immediately at testing site.
- Test has 2 hour time limit.
- Coats, cell-phones, electronic devices & written materials will not be allowed in the testing area, with video monitoring during test.

Re-current CME training will be required every 3 yrs. Can be less comprehensive than “Required” training course. On-line training is expected to be acceptable.

Re-certification will be required every 5/10 years to include re-attending “Required” training & re-passing certification test.

FMCSA review of Past Medical Review Board recommendations may be up to 2 yrs away, until then, encouraging CDME to use “Best Practice” IN Medical Conditions that be a risk to safe driving.

FMCSA Ongoing Standards & Guidelines Review Process:
- Ongoing process for reviewing all Federal medical standards & guidelines used to determine CMV driver medical fitness for duty.
- To ensure these regulations & guidelines are evidence-based, FMCSA uses a number of methods for gathering medical data, including, but not limited to:
  
  - Agency expert analyses of Federal data & other relevant international, national, & State data.
  - Interagency, national, & international regulatory analyses.
  - Evidence reports.
  - Medical Expert Panels (MEPs).
  - Medical Review Board (MRB),
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NRCME
• **NRCME Web site contains:**
  – Information for CMV drivers, employers & CCDMEs about NRCME program be available primarily through official website.
  – CMV Drivers & employers could find names & addresses of nearby CMEs listed.
  – Provide program information about training & testing requirements to CCDMEs & CDMEs who wish to become certified.
  – Disseminate information to practitioners on new medical discoveries, policies or requirements relevant to examinations.
  – Communications resource center created to support CDME, CMV drivers & motor carriers – both with & without Internet access.
  – What types of medical examiner information should or should not be made available to public by NRCME program.

NRCME
• After passing Core Certification Testing process & adjudication, FMCSA would issue:
  – FMCSA CCDME certification credential
  – Unique identification number
  – List on NRCME:
    – Contact information of all CCDMEs that meet FMCSA eligibility requirements.
    – Successfully completed required training.
    – Pass FMCSA medical examiner certification test
    – Certification & listing on NRCME would **expire 6 years** after date of issuance of certification credential.

• CMV Drivers & employers of drivers would be able to access, by state or zip code, the CCDME names & contact information. 
NRCME

• **The Way Ahead:**

• **Phased implementation** approach to required use of CCDMEs listed on NRCME to begin after effective date of final rule (MAY 21, 2012).

  – **First phase:** require CMV drivers who work for larger employers (motor carriers employ 50 or more CMV drivers) to have their medical examinations performed by CCDMEs listed on NRCME within 1 year (MAY, 21 2013).
    
    – These drivers are less likely to have problems locating a CME.

  – **Second phase:** (be compliant by 2 years after the effective date of final rule MAY 21, 2014) expand requirement to all remaining CMV drivers not covered in phase one.

NRCME

• **The Way Ahead:**

  – Implementation of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requirement that **on a monthly basis** CCDMEs, electronically transmit to FMCSA Chief Medical Examiner:
    
    – Name of CMV driver Examined
    
    – Numerical identifier for any completed Medical Examination Report

  – Require CCDMEs to retain Medical Examination Reports for each examination performed for **3 years**.

  – Establish basis for future implementation of other statutory requirements for monitoring CCDME performance (QA/QI central database).

  – In future, begin reviewing (AUDIT) a representative sample of CCDME Examination Reports & medical certificates for errors, omissions, other indications improper certification.
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NRCME

• Upon completion of the Med Exam:
  - CCDME must date & sign Med Exam Report.
    - Report & provide their full name, office address & telephone number on report.
  - If CMDE finds that person is physically qualified (PQ) to drive a CMV they must complete a certificate & furnish one copy to Driver examined & one copy to motor carrier that employs CMV driver examined.
  - Monthly, CCDME must electronically transmit to FMCSA Medical Program, following information for each MedExam Report completed during previous month, for any CMV driver who is required to be examined by CCDME listed on NRCME.

NRCME

• Electronic Monthly report FMCSA to include:
  • Driver Name
    - Driver’s FMCSA numerical identifier
  • Date of the examination
  • Whether the person was found to be medically PQ, medically DQ or temporarily DQ.
  • Date of expiration or CCDME’s certificate, if applicable.
  • The CCDME’s medical examination certificate shall be substantially in accordance with the following form.
  • Existing forms may be used until current printed supplies are depleted or until MAY 21, 2016, whichever occurs first.
Current Status

• CCDMEs will be required to:
  Bundle & forward completed DOT Medical Exams to FMCSA Clearing House, each month.

• Possess & use an electronic form of communication to receive updates to DOT medical exam, NRCME training, & changes in FMCSA policy.

• Proposed: (initially first 3 yrs after certification) electronically transmit to Chief Medical Examiner, Driver name & numerical identifier for any completed Med Exam RPT (certified or not) with CCDME Medical Certificate, on new summary form MCSA-5850 (CMV Driver Medical Examination RPT)

• Provide copies of Med Exam Rpts & CDME med Certificates, within 48 hrs, to FMCSA or authorized federal/state and/or local law enforcement personnel.

• New CCDME medical certificate must be used by 05/21/2014, added CCDME NRCME number & if CMV Driver is INTRASTATE ONLY status

NRCME

National Registry web site information is accessible to carriers, drivers, enforcement officials, & general public.

FMCSA will assist drivers & motor carriers in finding CCDMEs by providing on-line “map” on Registry website to locate CCDME offices.

Drivers may also be able to search for CCDME by city, state, zip code, or name.

CCDME information will include contact information & address, & may include other important information such as availability of vehicle parking & office hours.

Telephone assistance may be available for those without Internet access.
PROPOSED COMPANY COMPLIANCE TIMELINE

CCDME:

**All Motor Carriers** with **50 or more drivers** will be required to use **only** CCDMEs for driver medical exams within **1 year** after final rule becomes effective.(05/21/2013)

**Owner Operators & Motor Carriers** with **fewer than 50 drivers** will have **2 yrs** before required to use CCDMEs for driver medical exams.(05/21/2014)

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NRCME SCHEDULE

**As of the date of publication (April 20, 2012):**
- Training organizations develop curriculum according to FMCSA guidelines, BEGIN offer training to CMEs when they are ready.
- Test delivery organizations visit the National Registry website and view [Administrative Manual for Testing Organizations](#) to learn about Certification Test Criteria.

**30 days after publication, effective date of rule (May 21, 2012):**
- National Registry now available online
- Training organizations register to be listed on the National Registry when they are ready to offer training. Training organizations will be listed on National Registry website.
- CME find organizations offer CCME training & complete training.
- Test delivery organizations apply to become approved test delivery organization, submit their policies & procedures, undergo a security site visit when they are ready.
- Once approved, test delivery organizations will provide test center locations and/or online testing site.
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NRCME SCHEDULE

Four months after publication date (August 20, 2012):

• CDMEs register on National Registry & take Certification Test from an FMCSA-approved test center listed on National Registry.
• Once CDMEs successfully pass test, CCDME will be listed on National Registry.
• Drivers & carriers may search for CCDMEs via National Registry.

Two years after the effective date (May 21, 2014):

• All CDMEs who wish to conduct FMCSA medical examinations for CMV drives must be trained according to FMCSA regulations and guidelines, pass a certification test & be listed on National Registry.
• All CMV drivers seeking a medical examination/certificate must use a CCDME on the National Registry.

NRCME Benefits

• CMV drivers and motor carriers will have convenient access to current list of CCDMEs

• CCDMEs will have their contact information available to CMV drivers seeking medical examinations

• CCDMEs will have better understanding of physical and mental demands of driving a CMV

• Law enforcement will have convenient access to a current list of certified medical examiners across the United States as a clearing house of complete CMV driver data
NUTS & BOLTS
When is a CDL Required?

• Any commerce when the vehicle:
  – Has a GCWR of 26,001 pounds or more, inclusive of
towed unit(s) with GVWR more than 10,000 pounds;
  – Has a GVWR of 26,001 pounds or more;
  – Is designed to transport at least 16 passengers (including
the driver)
  – Is used to transport hazardous materials that require a
placard

When is Medical Certification Required?

• Drivers who operate in **Interstate commerce** when the vehicle:
  – Must have a Commercial drivers License (CDL)
  – Has a GVWR or GCWR, or gross vehicle weight or gross
combination weight, of 10,001 pounds or more, whichever is
greater; or
  – Is designed or used to transport more than 8 passengers (including
CMV driver) for compensation; or
  – Is designed or used to transport more than 15 passengers, including
CMV driver, and is not for compensation; or
  – Is used to transport hazardous materials that require a placard

• **Intrastate commerce**: Specific State requirements for medical
certification vary. Medical examiners should be informed
regarding the State regulations that affect their practice.
When is Medical Certification Required?

• When a driver returns from an illness or injury that interferes with driving ability, must undergo a medical examination even if the medical examiner’s certificate has not expired.
• The CCDME is responsible for certifying only drivers who meet the physical qualification standards.

• Certification can not exceed 2 years, & at the discretion of the medical examiner, may be less than 2 years.
• Federal Vision & Diabetes Exemption Programs (only 2) require annual medical certification.

Recent Medical Rulemakings

• National Transportation Safety Board (NTSB) investigative arm of DOT, determined in 2001 that FMCSA was not monitoring quality of CDL medical certificates, to improve the MVA Mortality and morbidity/rate.

• FMCSA administrative corrective action:
  – =Medical Certificate Requirements as Part of the CDL (Final Rule)
  – = National Registry of Certified Medical Examiners (Proposed Rule 2008)
Rulemaking Schedule:

Medical Certification Requirements as Part of CDL

- Final Rule Published - 12/01/2008
- Final Rule Effective - 1/30/2009
- State Compliance - 1/30/2012

Non-CDL vs. CDL CMV Drivers

- Population of drivers required to obtain a CDL is different from the population of drivers required to obtain a medical certificate.
Current Requirements

- CDL applicant must self certify in meeting requirements of 49 CFR Part 391

- No requirement for State to verify medical fitness

- Interstate drivers must carry medical certificate

New Requirements - State

- **State Driver Licensing Agency (SDLA)** must:
  - Record medical certification status (All CDL holders)
  - Provide driver with a receipt, which is a date-stamped original or copy of the medical examiner’s certificate
  - Record medical certificate data on driver record (Interstate CDL holders)
  - Not issue CDL if “not certified”
  - Provide information to authorized users and their agents
New Requirements - State

• SDLA must:
  – Update medical certification status – 10 business days
  
  – Medical variance (FMCSA exemption or SPE) – Place restriction on CDL using restriction code “V”
  
  – Downgrade CDL within 60 days if “not certified”
  
  – Notify driver of downgrade

New Requirements - Drivers

• All CDL holders must certify starting 3 years after effective date (1/30/2012):
  – Engaged in interstate commerce and meet Part 391 requirements;
  – Engaged in interstate commerce and excepted from Part 391 requirements; or
  – Engaged in intrastate commerce and subject to State requirements (or excepted)
  
  – Current CDL holders – No later than 5 years after effective date (1/30/2014)
New Requirements - Drivers

• All CDL holders engaged in interstate commerce and subject to Part 391 must:
  – Provide original/copy of medical examiner’s certificate to State Driver Licensing Agency (SDLA) prior to initial issuance of CDL, beginning 3 years after effective date (1/30/2012) ***

  – Current CDL holders – No later than 5 years after effective date (1/30/2014)

New Requirements - Drivers

• No longer required to carry on their person the medical examiner’s certificate
  – Until 1/30/2014, if there is no medical certification information on that driver’s CDLIS, a current medical examiner’s certificate issued prior to 1/30/2012 will be accepted

  – After 1/30/2014, a driver may use the date-stamped receipt (given to the driver by the SDLA) for up to 15 days after the date stamped on the receipt as proof of medical certification
**New Requirements – Motor Carrier**

- Motor carrier must:
  - Verify medical status on motor vehicle record
  - Place in driver qualification file (DQ) file
    - May use SDLA receipt for medical certificate issued to driver for up to 15 days after date stamped on receipt
  - Place copy of any medical variance in DQ file
  - Perform verification when employed and at least annually

**Current Requirements - Drivers**

- Unless excepted, all CMV drivers that operate in *interstate commerce* are required to obtain medical certification at least once every 2 years (drivers with certain medical conditions must obtain certification more frequently)

- The *proposed rule makes no change to this requirement*
**Final New Requirements – Drivers & Motor Carriers**

- Interstate CMV drivers would be required to obtain a physical examination and be medically certified by a CCDME listed on the NRCME

  – If employed by a motor carrier that employs 50 or more drivers would be required on or after 2 years after the effective date of final rule (3 years for all other drivers)

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**Final New Requirements – Drivers & Motor Carriers**

- When established, NRCME would be readily accessible to motor carriers and CMV drivers through the NRCME web site and a toll-free telephone line

**Final New Requirements – Medical Examiner’s Certificate**

- Medical Examiner’s Certificate would be revised to add a field for the medical examiner’s unique National Registry Number.

- Medical examiners would be allowed to use printed certificates they have on hand until 4 years after the effective date of the final rule.
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### Vision
- Standard: At least 20/40 acuity (Snellen) in each eye with or without correction. At least 70 degrees peripheral in horizontal vision measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

### Hearing
- Directions: When other than the Snellen chart is used, give test results in Snellen-comparable values. In recording distance vision, use 20 feet as normal. Report visual acuity as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. If the applicant wears corrective lenses, these should be worn while visual acuity is being tested. If the applicant wears contact lenses, or intends to do so while driving, sufficient evidence of good tolerance and adaptation to their use must be obtained. Monocular drivers are not qualified.

### Blood Pressure
- Numerical readings must be recorded. Medical Examiner should take at least two readings to confirm BP.

### Laboratory and Other Test Findings
- Presence of certain conditions may not necessarily disqualify a driver, particularly if the condition is controlled adequately. If a condition does disqualify a driver, the examiner may consider deferring the driver temporarily. Also, the driver should be advised of the necessary steps to correct condition as soon as possible if the condition, if neglected, could result in more serious threats that might affect driving.

### Body System
- Check for:
  - Abdomen and Viscera
  - Vascular System
  - Genito-urinary System
  - Spine, other musculoskeletal
  - Neurological

### Conditions
- Enter condition:
  - Abdominal wall relaxation, anorectal atony, anorectal stricture, anal fissures, etc.
  - Abnormal blood flow, palpation, vaginal examination
  - Abnormal renal function, urinary incontinence, etc.
  - Abnormal motor or sensory function, etc.

### Certification Status
- Return to medical examiner's office for follow up on...

### Notes
- Use instructions in the Medical Examiners for guidance.

### Signature
- Medical Examiners' signature
- Medical Examiners' name
- Address
- Telephone number

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Drug Use
A person is physically qualified to drive a commercial motor vehicle if that person does not use any drug or substance identified in 21 CFR 300.11, an amphetamine, a narcotic, or other hallucinogenic drug. A driver may use a non-Schedule II drug of substance that is identified in the other Schedules in 21 part 308. If the substance or drug prescribed by a licensed medical practitioner who is familiar with the driver's medical history, and assigned duties, and (b) has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle. This exception does not apply to methadone.

The intent of the medical certification process is to medically evaluate a driver to ensure that the driver has no medical condition which interferes with the safe performance of driving tasks on a public road. If a driver uses an amphetamine, a narcotic, or any other hallucinogenic drug, it may be cause for the driver to be found medically不合格. If a driver uses a Schedule II drug or substance, it will be cause for the driver to be found medically不合格. Motor carriers are encouraged to obtain a patient's written statement about the effects on transportation safety of the use of a particular drug. A list for controlled substances is not required as part of this medical certification process. The FMCSA or the driver’s employer should be contacted directly for information on controlled substances and alcohol testing under Part 382 of the FMCSR.

Alcoholism
A person physically qualified to drive a commercial motor vehicle if that person has no current clinical diagnosis of alcoholism. The term “current clinical diagnosis of alcoholism” is specifically defined to encompass a current alcohol abuse or dependence or intoxication in which the individual’s physical condition has not fully stabilized, regardless of the time element. If an individual shows signs of having an alcohol use problem, he or she should be referred to a specialist. After counseling and/or treatment, he or she may be considered for certification.

### NRCME

**MEDICAL EXAMINER’S CERTIFICATE**

I certify that I have examined, in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.49) and with knowledge of the driving duties, I find this person is qualified, and if applicable only when:

- [ ] wearing corrective lenses
- [ ] driving within an exempt intrastate zone (49 CFR 391.62)
- [ ] accompanied by a Skill Performance Evaluation Certificate (SPE)
- [ ] accompanied by a waiver/exemption
- [ ] Qualified by operation of 49 CFR 391.64

The information I have provided regarding this physical examination is true and complete. A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

**SIGNATURE OF MEDICAL EXAMINER**

**TELEPHONE**

**DATE**

**MEDICAL EXAMINER’S NAME (PRINT)**

**MD**

**Chiropractor**

**DO**

**Advanced Practice Nurse**

**Physician Assistant**

**MEDICAL EXAMINER’S LICENSE OR CERTIFICATE NO.:**

**ISSUING STATE:**

**NATIONAL REGISTRY NO.:**

**SIGNATURE OF DRIVER**

**DRIVER’S LICENSE NO.:**

**STATE:**

**ADDRESS OF DRIVER**

**MEDICAL CERTIFICATION EXPIRATION DATE:**

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Blount Memorial Business Health

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Resources

• FMCSA Office of Medical Programs
  – e-mail: fmcsamedical@dot.gov
  • Under “Rules & Regulations” click on “Medical Program”

New Medical Certification Requirements: A Guide for Commercial Driver’s License (CDL) Holders

Note: Starting January 30, 2012 & NLT January 30, 2014, all CDL holders must provide information to their State Driver Licensing Agencies (SDLA) regarding the type of CMV operation they drive in or expect to drive in with their CDL.

Drivers operating in certain types of commerce will be required to submit a current CDME’s certificate to their SDLA to obtain a “certified” medical status as part of their driving record.

CDL holders required to have a ”certified” medical status who fail to provide & keep up-to-date their CDME’s certificate with their SDLA will become ”not-certified” & lose their CDL

What is changing? SDLAs will be adding your medical certification status & the information on your medical examiner’s certificate to your Commercial Driver License System (CDLIS) record.
Other Recent & Future Medical Items
SDLA Departments input Medical Certificate into CDLIS? Receipt notification
Electronic information access to State enforcement personnel to verify medical certificate validity, enable FMCSA & States to detect certain patterns or anomalies concerning source of medical certificates. (Clearing House, also drug & alcohol incidents)

Effective January 30, 2012, begin process to include medical certificate expiration date on driver’s CDLIS record.
After DOT medical examination, drivers will be required to submit copy of their medical certificate to State.
State agencies will stamp medical certificate & provide receipt to driver stating medical certificate was received.
After 15 days, drivers will no longer be required to carry a copy of current medical certificate while driving.
However those with SPE or medical exemption will still be required to carry those documents when driving.

New Medical Certification Requirements:
A Guide for CDL Holders

What is not changing? Driver physical qualification requirements are not changing.

• What are CDL holders required to do? You must determine what type of commerce you operate in & certify to your SDLA to one of the four types of commerce you operate in as listed below,
  – Interstate non-excepted: You are an Interstate non-excepted driver & must meet Federal DOT medical card requirements (you are “not excepted”).
  – Interstate excepted: You are an Interstate excepted driver & do not have to meet Federal DOT medical card requirements.
  – Intrastate non-excepted: You are an Intrastate non-excepted driver & are required to meet medical requirements for your State.
  – Intrastate excepted: You are an Intrastate excepted driver & do not have to meet medical requirements for your State.
  – If you are subject to DOT medical card requirements, provide a copy of each new DOT medical card to your SDLA prior to the expiration of current DOT medical card.
DOT-MRO

Four Changes:

1: Add Testing for Ecstasy (MDMA) Methylene Oxymethamphetamine MDA and MDEA due to resurgence in availability (ASIAN)

2: Lower Positive Testing Thresholds for Cocaine and Amphetamines
   Cutoff for Cocaine thresholds from 300 to 150 ng/ml initial and 150 to 100 ng/ml confirmatory
   Cutoff for Amphetamines from 1000 to 500 ng/ml Initial and 500 to 250 ng/ml confirmatory
   Expect more positive samples on initial and negative on confirmatory

3: Initial Testing for 6-Acetylmorphine (6-AM) unique metabolite for heroine to ID these users from morphine users.
DOT-MRO

• 4. Tighter Exam Requirements for MROs due to more complex & sophisticated drug testing procedures & regulations
  
  Reduction in time interval between MRO qualification exams from 6 to 5 years

  Exams to be administered by a nationally recognized MRO certification board or sub specialty board

  12 hour CME requirement every 3 years eliminated

NB: New Federal & Non-Federal Custody & Control Forms also.

New Medical Certification Requirements: A Guide for CDL Holders

What is not changing? Driver physical qualification requirements are not changing.

• What are CDL holders required to do? You must determine what type of commerce you operate in & certify to your SDLA to one of the four types of commerce you operate in as listed below,
  – Interstate non-excepted: You are an Interstate non-excepted driver & must meet Federal DOT medical card requirements (you are “not excepted”).
  – Interstate excepted: You are an Interstate excepted driver & do not have to meet Federal DOT medical card requirements.
  – Intrastate non-excepted: You are an Intrastate non-excepted driver & are required to meet medical requirements for your State.
  – Intrastate excepted: You are an Intrastate excepted driver & do not have to meet medical requirements for your State.
  – If you are subject to DOT medical card requirements, provide a copy of each new DOT medical card to your SDLA prior to the expiration of current DOT medical card.
Other Recent & Future Medical Items

“Specific” Proposed Rule Regarding Medical Certificate: June, 2011

CDL holders with expired DOT medical certificates will have their CDLIS record immediately updated as “not certified” on the expiration date of their current medical certificate & will have 60 days before having their CDL downgraded.

Half of 14 million CDL drivers are not currently driving & although required to have a medical certificate, many fail to stay current.

Requirement for SDLA to monitor all CDL holders will require inactive drivers obtain current medical certificate or have their CDL downgraded. Resulting in more DOT medical exams performed yearly.

States are to begin process by January 2012, & must have all driver medical certificate information onto the CDLIS by January 2014.

States having difficulty completing requirements by January 2014, this “specific” proposed rule will require drivers to have a copy of their medical certificate while driving until January 2014, then, final rule detailed above will be in effect.

Harmonizing Schedule I Drug Requirements

Federal Motor Carrier Safety Administration
49 CFR Parts 382 and 391
Docket No. FMCSA-2011-0073

Final rule. Issued on: January 18, 2012

SUMMARY: FMCSA amends physical qualifications for drivers & instructions for medical examination report to clarify that drivers may not use Schedule I drugs & be qualified to drive CMVs under any circumstances.

The rule harmonizes FMCSA’s provisions regarding pre-employment & return-to-duty test refusals with corresponding DOT-wide provisions.

Finally, the rule corrects inaccurate uses of the term “actual knowledge.”
Harmonizing Schedule I Drug Requirements

List of Subjects:

49 CFR Part 382
Administrative practice & procedure, Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Penalties, Safety, Transportation

49 CFR Part 391
Alcohol abuse, Drug abuse, Drug testing, Highway safety, Motor carriers, Reporting and recordkeeping requirements, Safety, Transportation

FMCSA amends 49 CFR, parts 382 and 391 as follows:

Amend § 391.43(f) by removing Medical Examination Report for Commercial Driver Fitness Determination, form 649-F (6045), & adding in its place the following form, to read as follows:

§ 391.43 Medical examination; certificate of physical examination.

SCHEDULE I DRUGS TO INCLUDE:
Heroin,
Marijuana (natural cannabis & synthetic Spice or Bath Salts),
Uppers: Ecstasy, MMD amphetamine, methamphetamine,
Hallucinogens: LSD, Peyote cacti (mescaline), PCP, & Psilocybin (magic mushrooms)
Downers: Quaaludes,
Remember: methadone is never allowed
Harmonizing Schedule I Drug Requirements

PART 391—QUALIFICATIONS OF DRIVERS & LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS

§ 391.41 Physical qualifications for drivers, (b)(12)

(i) Does not use any drug or substance identified in 21 CFR 1308.11 Schedule I, an amphetamine, a narcotic, or other habit-forming drug.

(ii) Does not use any non-Schedule I drug or substance that is identified in the other Schedules in 21 part 1308 except when the use is prescribed by a licensed medical practitioner, who is familiar with the driver’s medical history & has advised driver that substance will not adversely affect the driver’s ability to safely operate CMV.

Harmonizing Schedule I Drug Requirements

PART 382—CONTROLLED SUBSTANCES/ALCOHOL USE & TESTING-- § 382.201 [Amended]

Amend § 382.201 by removing the word “actual” between the words “having” and knowledge.

Revise § 382.211 to read as follows: § 382.211 Refusal to submit to a required alcohol or controlled substances test.

No driver shall refuse to submit to pre-employment controlled substance test required under § 382.301, post-accident alcohol or controlled substance test required under § 382.303, random alcohol or controlled substances test required under § 382.305, reasonable suspicion alcohol or controlled substance test required under § 382.307, return-to-duty alcohol or controlled substances test required under § 382.309, follow-up alcohol or controlled substance test required under § 382.311.

No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.
Harmonizing Schedule I Drug Requirements

Revise § 382.213 to read as follows: **No driver shall**

(a) **Report for duty or remain on duty** requiring performance of safety-sensitive functions when driver **uses any drug or substance** identified in 21 CFR 1308.11 **Schedule I**.

(b) **Report for duty or remain on duty** requiring performance of safety-sensitive functions when driver **uses any non-Schedule I drug or substance** identified in other Schedules in 21 CFR part 1308 except when use is pursuant to instructions of a licensed medical practitioner, who is familiar with driver’s medical history & has advised the driver that substance **will not adversely affect** driver's ability to safely operate a CMV.

(c) **No employer** having knowledge that a driver has used a controlled substance shall permit driver to perform or continue to perform a safety-sensitive function.

(d) **An employer** may require a driver to inform employer of any therapeutic drug use.

Finally

Drivers whose ability to perform their normal driving duties has been impaired by injury or disease are required by Sec. 391.45 to be **reexamined before resuming such duties**.

Physical qualifications & examinations:

§391.45 Persons who must be medically examined & certified.

Except as provided in §391.67, the following persons must be medically examined & certified in accordance with §391.43 as physically qualified to operate a CMV:

(a) Any person who has **not** been medically examined & certified as physically qualified to operate CMV;

(b)(1) Any driver who has **not** been medically examined & certified as qualified to operate a CMV during preceding 24 months;
Finally
Physical qualifications & examinations: (CONTINUED)

§391.45 Persons who must be medically examined & certified.

(b) (2) Any driver authorized to operate a CMV only with an exempt intra city zone pursuant to §391.62, or only by operation of exemption in §391.64, if such driver has not been medically examined & certified as qualified to drive in such zone during the preceding 12 months;

(c) Any driver whose ability to perform his/her normal duties has been impaired by a physical or mental injury or disease.


FINALLY

UDS/BAT—MRO changes 2012

Random UDS testing rate (50%) remains the same

BAT testing rate remains at 10%,

FMCSA published an Interim Final Rule (effective 07/03/2012) simplifies & expedites any UDS positive for 6-AM (6-Acetylmorphine)
Positive UDS for 6-AM will be considered positive for heroin use without having to consult the testing lab & Office of Drug Abuse Programs.
There is no legitimate medical explanation to justify 6-AM in the urine or body

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Other Recent & Future Medical Items

Safety-Lu legislation: called for FMCSA to establish a Medical Review Board (MRB) to make recommendation for changes in FMCSA medical standards & guidelines.

Over last 2 yrs, MRB made recommendations regarding a number of driver medical conditions, such as:

- Made Recomendations to discuss **Obstructive Sleep Apnea (OSA)** /Obesity and related issues (2/2012)
- Review of all Past Medical Review Board recommendations may be up to 2 yrs away
- FMCSA is encouraging CME to use “Best Practice” when considering medical conditions that may be a risk to safe driving.
- FMCSA reviewing panel recommendations for changes to DOT Medical Exam Form (long form).
- All State DOT medical exam forms must contain all of the content of the federal form.

MEDICAL REGULATIONS & NOTICES:

- **Regulations:**
  - Physical Qualifications (49 CFR Part 391.41)
  - Medical Certificate Instructions
  - Medical Examination Report (PDF) New
  - General Qualifications (49 CFR Part 391.11)
  - DOT Procedures for Drug and Alcohol Testing (49 CFR Part 40)
  - Waivers/Exemptions/Pilot Programs (49 CFR Part 381)
  - Alternative Physical Qualifications for Loss/Impairment of Limbs (49 CFR Part 391.49)
  - Medical Evaluation Conflict Resolution (49 CFR Part 391.47)
  - Intra-City Zone Driver Limited Exemption (49 CFR Part 391.62)
  - Vision & Diabetes Waiver Grandfathering Study (49 CFR Part 391.64)
Discussion and Questions

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