



MEDICAL REVIEW BOARD

Meeting Minutes April 27-28, 2020

The Medical Review Board (MRB) of the Federal Motor Carrier Safety Administration (FMCSA) met on April 27-28, 2020, via Adobe Connect teleconference.

On April 27, 2020, the MRB held a closed session, per the authority of the Secretary, for the Board to review and recommend test questions for the certification tests for medical examiners on the National Registry (85 FR 15250).

On April 28, 2020, in accordance with the provisions of Public Law 92-463, the meeting was open to the public in its entirety. Gina Pervall, M.D., Chairman, called the meeting to order at 9:15 a.m. on Tuesday, April 28, 2020.

The following individuals attended the public meeting:

MRB COMMITTEE MEMBERS

Gina C. Pervall, M.D., Chairman
Gerald (Gerry) Harmon, M.D.
Michael T. Kelley, M.D., M.P.H.
Brian T. Morris, M.D., J.D., M.B.A., M.P.H.
Albert Osbahr III, M.D., M.S.

FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES

Jim Mullen, Acting Administrator
Chloe Hernandez, Medical Programs Division, Office of Policy
Christine Hydock, Chief, Medical Programs Division, Office of Policy
Arlene McCarthy, Ethics Attorney, General Law Division, Office of the Chief Counsel
Larry Minor, Designated Federal Officer (DFO)
Joseph Sentef, M.D., Chief Medical Officer
Shannon Watson, Senior Policy Advisor and Deputy DFO

OTHER ATTENDEES

J.H. Aertker, Aertker Company
Brandon Buchanan, Director, Regulatory Affairs, American Bus Association
Jay Grimes, Director, Federal Affairs, Owner-Operator Independent Drivers Association
Daren Hansen, Transportation Safety, J. J. Keller
Sheryl Harley, National Transportation Safety Board
Natalie Hartenbaum, M.D., MPH, FACOEM
Aaron Hudson, M.D., Northwestern Medical Group



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Turan Kayagil, M.D.
Michael Megehee, D.C., Team CME
Eric Miller, Transport Topics
Robert Muner M.D., FACEP
Abigail Potter, American Trucking Associations
Anne-Marie Puricelli, M.D., J.D., Medical Director, Concentra
Kenji Saito M.D., J.D., FACOEM
Mark Schremmer, Senior Editor, Land Line Magazine
Terry Scruton, Landline Magazine
Tim Smolenski, CerteDrive
Mitch Strobin, UrgentCareTravel
Norita Taylor, Director of Public Relations, Owner-Operator Independent Drivers Association
Chris Webb, M.D., Rush Medical Clinic
Patricia Wirth, Attorney Advisor, FMCSA
Frederic Wood, Attorney Advisor, FMCSA

REMARKS AND COMMITTEE ACTION

The MRB meeting minutes from July 15-16, 2020, were approved unanimously.

Task 20.1, Recommendations to the Agency on the review of new National Registry Medical Examiner Certification examination questions, closed session, April 27, 2020

The MRB reviewed new National Registry Medical Examiner Certification examination questions for inclusion on the certification examinations. This day of the meeting was closed to the public so as not to compromise the integrity of the examination (85 FR 15250).

Annual Ethics Training for MRB Members: Arlene McCarthy, Ethics Attorney, General Law Division, Office of the Chief Counsel, FMCSA

Arlene McCarthy presented an ethics overview for the MRB members, who serve as special government employees (SGEs) under the Federal Advisory Committee Act (FACA). The overview presented various scenarios that MRB members may experience during their time of service and offered guidance on how to navigate each appropriately. Should a MRB member questions the ethics of any situation, that member must consult with the Agency's ethics official.

Meet the FMCSA Acting Administrator: Remarks from Jim Mullen

Jim Mullen, Acting Administrator, acknowledged the important efforts put forth on a State and Federal level to help keep truck drivers on the road to distribute materials related to COVID-19 relief efforts. He recognized the certified medical examiners that have continued to devote time and effort to continue to examine truck driver for the safety of our roads. He also recognized the importance of the Board's recommendations for the Medical Examiner's Handbook and National Registry certification test. The Acting Administrator thanked all the members for their service to the Agency and commitment to safety.



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Presentation: “Research Related to the Seizure Standard for Commercial Motor Vehicle Drivers”: Christine Hydock, Chief, Medical Programs Division, FMCSA

The Agency has developed a plan for research related to the Seizure Standard for Commercial Motor Vehicle (CMV) drivers. The research will collect information on seizure reoccurrence in CMV drivers who have had one or more seizures already and will solicit medical expert opinions on seizure requirements to operate a CMV safely. In addition, the Agency will evaluate information on regulatory requirements of drivers who have a seizure disorder in intrastate commerce and countries like the U.S.

Task 17.1, Review of Draft Medical Examiners Handbook (MEH): Gina Pervall, MD, Chairman

Building on the 2018 meeting, the MRB returned to Task 17-1, the review of the draft Medical Examiners Handbook (MEH).

Discussion Points:

- The Board recommended using research data by placing references to guidelines that have been published by FMCSA in the MEH. Abigail Potter, American Trucking Associations, suggested that FMCSA rely on outside organizations' guidelines and refer to them instead of publishing guidelines in the Medical Examiner's Handbook (MEH).
- Larry Minor, DFO, suggested publishing a Federal Register notice to define “Regulatory Guidance” for public comment and to ensure that disclaimers are incorporated into the MEH.
- Dr. Brian Morris recommended conducting more panels to incorporate more current information to insert into the MEH. Larry Minor, DFO, suggested reinstating some information like the 2002 cardiovascular table from appendix D in the MEH while publishing a Federal Register notice for public comment to update information.
- Dr. Natalie Hartenbaum commented that the cardiovascular section of the handbook should include more common cardiovascular diseases.
- The Board discussed the importance of including medications in the psychiatry section of the MEH and recommended inserting a psychiatry grid to the section. Dr. Hartenbaum suggested using the grid from the Aviation Medical Examiner handbook as recommended previously by the Board and medical expert panel.
- In the drug and alcohol section of the MEH, the Board recommended clearly defining the type of specialist needed to refer an individual who has signs of an alcohol-use problem.
- Dr. Hartenbaum suggested clearly defining the expectation of addressing drug and alcohol use during an examination and the rights the medical examiner has during the examination, then incorporating the other possible issues that may be presented clearly and concisely.
- The Board discussed incorporating a list of specific for prescribed and over the counter medications to educate the medical examiner. Larry Minor, DFO, commented that the information provided on medications should be regulatory guidance and should connect back to the regulations.



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Motions:

- Motion to insert the cardiovascular advisory panel guidelines from 2002 with the most current update from the Board into the MEH. The Board agreed unanimously.
- Motion to continuously update the cardiovascular advisory panel guidelines from 2002 with the most current update from the Board by a medical expert panel. The Board agreed unanimously.

PRESENTATIONS

	Presenter	Presentation
1	Arlene McCarthy, Ethics Attorney, General Law Division Office of the Chief Counsel, FMCSA	Ethics Training for MRB Members
2	Jim Mullen, Acting Administrator, FMCSA	Meet the FMCSA Acting Administrator
3	Christine Hydock, Chief, Medical Programs Division, FMCSA	Research Related to the Seizure Standard for Commercial Motor Vehicle Drivers

Adjournment

Larry Minor, DFO, and Shannon Watson, Deputy DFO, provided final remarks. Chairman Gina Pervall, M.D., adjourned the meeting at 4:10 pm on April 28, 2020.

We hereby certify that, to the best of our knowledge, the foregoing minutes are accurate and complete.

Gina C. Pervall, M.D.
Chairman, MRB

Larry W. Minor
Designated Federal Officer, MRB