**Meeting Minutes**

**May 19-20, 2021**

The Medical Review Board (MRB) of the Federal Motor Carrier Safety Administration (FMCSA) met virtually on May 19-20, 2021, via Microsoft Teams. 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 May 19, 2021.

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**

Meera Joshi, Deputy Administrator

Jack Van Steenburg, Executive Director and Chief Safety Officer

Angie Byrne, OST-R, Volpe

Amy Graydon, Director, Policy, Strategic Planning, and Regulation

Terri Hallquist, Research Division, Office of Research and Registration

Robin Hamilton, Medical Programs Division, Office of Policy

Chloe Hernandez, Medical Programs Division, Office of Policy

Christine Hydock, Chief, Medical Programs Division, Office of Policy

Michael Jordan, Strategic Planning and Program Evaluation Division, Office of Policy

Arlene McCarthy, Ethics Attorney, General Law Division, Office of the Chief Counsel

Larry Minor, Associate Administrator for Policy and Designated Federal Officer (DFO)

Sarah Nural, Office of the General Counsel, Office of the Secretary

Eran Segev, OST-R, Volpe

Joseph Sentef, M.D., Chief Medical Officer

Cynthia Shaffer, OST-R, Volpe

Courtney Stevenson, Senior Policy Advisor

Shannon Watson, Senior Policy Advisor and Deputy DFO

Michelle Watters, M.D., Ph.D., M.P.H., Chief Medical Officer, National Transportation Safety Board

Patricia (Tish) Wirth, Attorney Advisor, Office of Chief Counsel

Angela Wongus, Medical Programs Division, Office of Policy

Frederic (Rick) Wood, Attorney Advisor, Office of Chief Counsel

**OTHER ATTENDEES**

Brandon Buchanan, Director, Regulatory Affairs, American Bus Association

Jeffrey Carlson, M.D., TeamCME

Matt Cole, Randall-Reilly

Mary Convey, SleepSafe Drivers

Keelan De Leest, J.J. Keller

Melissa Foiles, Director, IBS Global Services

Jay Grimes, Director, Federal Affairs, Owner-Operator Independent Drivers Association

Greg Grisolano, Landline Magazine

Natalie Hartenbaum, M.D., MPH, FACOEM

Turan Kayagil, M.D., Medical Officer, National Transportation Safety Board (NTSB)

Alberta Lewis, Center for Drug and Alcohol Testing

Michael Megehee, D.C., TeamCME

Eric Miller, Transport Topics

Richard Nunez, MD, President, EMedHome

Ann Potratz, J.J. Keller

Anne-Marie Puricelli, M.D., J.D., Medical Director, Concentra

Ronna Weber, National Association of State Directors of Pupil Transportation Services

**REMARKS AND COMMITTEE ACTION**

The MRB meeting minutes from April 27-28, 2020, were approved unanimously.

**Greetings from FMCSA’s Executive Director and Chief Safety Officer: Jack Van Steenburg**

The Executive Director recognized the importance of the MRB and their valuable contribution to ensuring the safety of commercial motor vehicle drivers and the public. Mr. Van Steenburg highlighted the work of the Agency to update the medical standards to eliminate the medical exemption programs as a way to relieve the burden to the driver. With regard to the Skills Performance Evaluation Certificate program, Mr. Van Steenburg highlighted the goal of the Agency to increase the number of States that conduct Federal SPEs. Mr. Van Steenburg thanked the MRB members for their commitment to safety throughout the pandemic.

**Annual Ethics Training for MRB Members: Arlene McCarthy, Esq., Ethics Attorney, General Law Division, Office of Chief Counsel**

Ms. McCarthy presented an ethics overview for the Board members, who serve as special government employees (SGEs) under the Federal Advisory Committee Act (FACA). The presentation provided information on how the MRB members are evaluated to ensure they can ethically participate as members. She suggested ways for MRB members to navigate scenarios that require the careful consideration of ethics. Should a MRB member question the ethics of any situation, that member must consult with the Agency’s ethics official.

**Task 21-1, Vision Rulemaking Comment Review: Joseph Sentef, M.D., Chief Medical Officer, and Christine Hydock, Chief, Medical Programs Division**

MRB discussed the proposed Alternative Vision Standard and corresponding Vision Evaluation Form and made recommendations.

Discussion Points:

* Dr. Morris moved to clarify how to measure field of vision, suggesting modifying the new standard to require a driver must have a 120-degree field of vision. The motion to recommend a change the alternative standard to indicate a driver must have 120-degree field of vision passed unanimously.
* The proposed alternate vision standard is a two-step process for use of the Vision Evaluation form that included the driver going to the vision specialist first and then to the Medical Examiner (ME) second. Drs. Osbahr and Kelley indicated that the driver would be examined typically by a medical examiner first, then determine whether the driver needs to have the form completed. Dr. Pervall suggested removing the terminology that indicates a set order of the process steps in the proposed standard to eliminate confusion. The MRB agreed and added this recommendation to the form.
* Dr. Morris discussed the minimum amount of time of stability for a driver’s progressive eye disease to be considered safe. Dr. Pervall suggested at least a six-month period of stability be required to be considered medically qualified. Dr. Harmon disagreed, stating that the medical examiner should have discretion in this area. The motion to recommend incorporation of a six-month waiting period to establish stability for a driver’s progressive eye disease failed.
* In regard to monocular vision, Natalie Hartenbaum, MD, MPH, FACOEM, member of the public, commented that there should not be a time constraint on the adjustment period after a driver loses their vision, as there is little evidence to support any specific length of time.

**Task 21-2, Review Non-Insulin-Treated Diabetes Mellitus Assessment Form: Ms. Hydock**

Based on the review of the Non-Insulin-Treated Diabetes Assessment form, MRB recommended improving the clarity and quality of information provided by the driver’s treating clinician to the medical examiner and made corresponding recommended updates to the draft form.

**Task 17-1, Medical Examiners Handbook Update: Dr. Sentef and Ms. Hydock**

Building on the 2020 meeting, MRB returned to its review of the updated draft Medical Examiners Handbook (MEH), MRB Task 17-1.

Discussion Points:

* Regarding drivers who have acute myocardial infarction, Dr. Kelley suggested conducting an exercise test to include the ejection fraction rate. The MRB discussed the possibility of adding information to the MEH to be more specific in this area or creating a voluntary form for the ME to gather additional medical information for drivers who have cardiovascular disease. Dr. Hartenbaum expressed her concern for the inconsistency throughout the MEH in the amount of information provided for each section. She suggested giving guidance on risk assessment as not all medical examiners have the same level of experience in all areas.
* The MRB recommended that FMCSA include panel reports and charts in the MEH, with links to the full documents, to facilitate its use in evaluating drivers.
* Dr. Harmon indicated that the information on high blood pressure regulation was outdated. Dr. Sentef explained that the Agency was moving towards updating the information.
* The MRB discussed the challenges surrounding driver alcoholism and drug use. Dr. Pervall recommended that medical examiners utilize substance abuse professionals to help determine whether an individual is fit to drive, instead of relying solely on the medical examiner’s opinion. This recommendation was added to the MEH.
* The MRB deliberated how to best educate medical examiners about obstructive sleep apnea (OSA). The MRB agreed that providing references to studies like the 2017 updated recommendations in the OSA section would emphasize the importance of screening drivers for OSA.
* While psychological disorders are not automatic medical disqualifiers, MRB agreed that the MEH should emphasize the seriousness of these diseases and the impairments that they can cause. Dr. Hartenbaum suggested that this section should include resources for medical examiners to make informed decisions.
* Larry Minor, MRB DFO, confirmed with the MRB that their recommendation to change the field of vision from 70 degrees to 120 degree does not change the standard, rather, it accounts for the way it is being measured.

**Visit with Deputy Administrator Meera Joshi**

FMCSA Deputy Administrator Joshi thanked the MRB members for their work in ensuring safety throughout the pandemic. She complimented them for their commitment to finding a balance in allowing reasonable accommodations for drivers who require them to operate safely. In addition, she recognized the challenges in implementing more reasonable accommodations for drivers, while emphasizing the importance of constant communication while working through these challenges.

**Presentation: “Length of Medical Certification Research Overview and Seizure Research Update,” Terri Hallquist, Research Division, Office of Research and Registration**

Ms. Hallquist noted that FMCSA is conducting a seizure research project and a length of medical certification associated with crash risk study. In regard to the seizure research, the literature review and State driving regulations relating to seizure disorders review results are being finalized. The remaining review of CMV regulations in other nations and consultation with medical experts will begin soon. The effect of length of medical certification on safety research is now finalizing the dataset for statistical analysis. Both projects will be completed in September 2021, with final reports by September 2022.

Motions:

* Dr. Osbahr moved to recommend including the following statement in the MEH: “Idiopathic hypersomnia and narcolepsy cause loss of consciousness making them non-qualifying per the Federal Motor Carrier Safety Regulations.” Dr. Kelley seconded the motion. The motion passed unanimously.
* Dr. Osbahr moved to recommend clarification of the alternative standard for drivers to have a minimal 120-degree field of vision. Dr. Morris seconded the motion. The motion passed unanimously.
* Dr. Osbahr moved to recommend requiring a driver to have a minimum six-month period of stability for a progressive eye disease. Dr. Pervall seconded the motion and Drs. Harmon, Kelley, and Morris opposed. Dr. Osbahr withdrew the motion.
* Dr. Morris moved to recommend adding vision advisory criteria in the MEH to prohibit the use of chromatic lenses. Dr. Harmon seconded the motion. The motion passed unanimously.

**PRESENTATIONS**

|  | Presenter | Presentation |
| --- | --- | --- |
| 1 | Arlene McCarthy, Ethics Attorney, General Law Division Office of Chief Counsel, FMCSA | Ethics Training for MRB Members |
| 2 | Terri Hallquist, Research Division, Office of Research and Registration, FMCSA | Length of Medical Certification Research Overview and Seizure Research Update |

**Adjournment**

Larry Minor, DFO, and Shannon Watson, Deputy DFO, provided final remarks. Chairman Gina Pervall, M.D., adjourned the meeting at 4:15 pm on May 20, 2021.

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

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Gina C. Pervall, M.D.

Chairman, MRB

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Larry W. Minor

Designated Federal Officer, MRB