



Meeting Minutes October 19, 2022

The Medical Review Board (MRB) of the Federal Motor Carrier Safety Administration (FMCSA) met virtually on October 19, 2022, via Microsoft Teams. MRB met in closed session from 9:30 a.m. to 12:00 p.m. and in open session from 1:00 p.m. to 4:30 p.m., as noticed in the Federal Register. Gina Pervall, M.D., Chair, called the morning and afternoon sessions to order at 9:30 a.m. and 1:00 p.m., respectively, in accordance with the provisions of Public Law 92-463.

CLOSED SESSION

The following individuals attended the MRB's closed session:

MRB COMMITTEE MEMBERS

Gina C. Pervall, M.D., Chair
Gerald (Gerry) Harmon, M.D.
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

Shannon Watson, Senior Policy Advisor and Designated Federal Officer (DFO)
Joseph Sentef, M.D., Chief Medical Officer
Robin Hamilton, Medical Programs Division, Office of Policy
Christine Hydock, Chief, Medical Programs Division, Office of Policy
Stephanie Chase, OST-R, Volpe
Eran Segev, OST-R, Volpe

OTHER ATTENDEES

Michelle Kresco, Changeis
Michael McGraw, Analyst, Global Skills X-Change
Sarah Powers, ICF International

Test Question Item Writing Training for MRB Members: Mike McGraw, Analyst, Global Skills X-Change

Mr. McGraw presented instructions on how to write test question items. The committee then reviewed test questions for determining the eligibility of healthcare professionals to be certified as medical examiners and be listed on the National Registry of Certified Medical Examiners.



OPEN SESSION

The following individuals attended the MRB's Open Session:

MRB COMMITTEE MEMBERS

Gina C. Pervall, M.D., Chair
Gerald (Gerry) Harmon, M.D.
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

Shannon Watson, Senior Policy Advisor and Designated Federal Officer (DFO)
Joseph Sentef, M.D., Chief Medical Officer
Betsy Campos, Economist
Terri Hallquist, Research Division, Office of Research and Registration
Robin Hamilton, Medical Programs Division, Office of Policy
Christine Hydock, Chief, Medical Programs Division, Office of Policy
Greg Miller, Ethics Attorney, General Law Division, Office of the Chief Counsel
Julie Perrot, National Transportation Safety Board, (NTSB)
Michelle Watters, M.D., Ph.D., M.P.H., Chief Medical Officer, NTSB
Stephanie Chase, OST-R, Volpe Center
Eran Segev, OST-R, Volpe Center

OTHER ATTENDEES

April Bassett, Senior Risk Engineer, DMC
Brandon Buchanan, Director, Regulatory Affairs, American Bus Association
Jeffrey Carlson, M.D., TeamCME
Angela Clark, VP of Risk Management, PAM Transport, Inc.
Jan Cody, Compliance & Hiring Manager, Kienstra Concrete, Inc.
Mitzi Goodman, PAM Transport
Kurt Hegmann, MD, MPH, Professor and Director, Rocky Mountain Center for Occupational and Environmental Health, University of Utah
Michelle Kresco, Changeis
Torrey Lauermann, American Trucking Associations
Michael Megehee, President, TeamCME
Richard Nunez, MD, President, EMedHome
Sarah Powers, ICF International
Anne-Marie Puricelli, M.D., J.D., Medical Director, Concentra
Mark Schedler, Editor, J.J. Keller and Associates, Inc.
Susan Soccolich, Research Associate, Freight, Transit, and Heavy Vehicle Safety Division, Virginia Tech Transportation Institute
Ryan Witkowski, Writer, Land Line Magazine

REMARKS AND COMMITTEE ACTION

The MRB unanimously approved the September 29, 2021, meeting minutes.



PRESENTATIONS

	Presenter	Presentation
1	Gregory Miller, Ethics Attorney, General Law Division Office of Chief Counsel, FMCSA	Ethics Training for MRB Members
2	Susan Soccolich, Research Associate, Freight, Transit, and Heavy Vehicle Safety Division, Virginia Tech Transportation Institute	Effect of the Length of Medical Certification on Safety
3	Kurt Hegmann, MD, MPH Professor and Director, Rocky Mountain Center for Occupational and Environmental Health, University of Utah	Examining the Seizure Standard for Commercial Motor Vehicle Drivers

Annual Ethics Training for MRB Members

Gregory Miller, Attorney Advisor, General Law Division, Office of Chief Counsel

Mr. Miller conducted annual ethics training for the MRB members, who serve as special government employees (SGEs) under the Federal Advisory Committee Act (FACA). Mr. Miller provided information on how MRB members are evaluated to ensure they can ethically participate as members and suggested ways for them to navigate scenarios that may require a careful consideration of ethics. Should an MRB member question the ethics of any situation, that member should consult with the Agency's ethics official.

PRESENTATION: "EFFECT OF THE LENGTH OF MEDICAL CERTIFICATION ON SAFETY," SUSAN SOCCOLICH, RESEARCH ASSOCIATE, VIRGINIA TECH TRANSPORTATION INSTITUTE

Ms. Soccolich presented the preliminary research findings of a study to assess the relationship between the duration of commercial motor vehicle (CMV) driver medical examination certification (MEC) and driver performance. The study collected historical medical examiners' certificate data, crash data and inspection violation data for CMV and non-CMV drivers' groups from January 1, 2014, to September 30, 2020. Overall findings reveal that shorter MEC lengths show significantly higher relative risk for crashes and driver-only violations during inspections. Multiple types of violations (including vehicle and hazmat) yielded a reverse trend with shorter MEC length associated with lower risk of violations. Based on the research it is premature to conclude that drivers with short term MEC are more likely to have a crash or violation than those with a 24-month MEC. A final report is under agency review and expected to be published in spring 2023.



PRESENTATION: “EXAMINING THE SEIZURE STANDARD FOR COMMERCIAL MOTOR VEHICLE DRIVERS,” KURT HEGMANN, MD, MPH PROFESSOR AND DIRECTOR, ROCKY MOUNTAIN CENTER FOR OCCUPATIONAL AND ENVIRONMENTAL HEALTH, UNIVERSITY OF UTAH

Dr. Hegmann presented preliminary findings on the examination of seizure standards for CMV drivers through a systematic literature review and meta-analysis. The study asked seven key questions regarding individuals with or without treatment. Dr. Hegmann’s recommendations to the board includes no evidence-based data on which to recommend changes to the current FMCSA seizure exemption criteria. Dr. Hegmann suggests modifying “for 8 years” to “at least 8 years.” The regulation could also be clarified for drivers who do not have a current diagnosis of epilepsy or seizure disorder. The final report is undergoing agency review and is expected to be published in spring 2023.

- MRB members raised questions about the importance of type of seizure risk while on treatment and further interest in sleep epilepsy given the 13-31% rate of additional awake seizure occurrence.
- Dr. Harmon raised the question of provoked head trauma not provoked seizures and whether that would require neurologic referral. Dr. Hegmann responded that if it has immediate convulsive activity then could be considered provoked, but if it is delayed then would instead be considered a post concussive seizure with an increased risk of recurrence.

Public Comment:

- Brandon Buchanan, ABA, asked if given the President's announcement on October 6th about changing classifications about some Schedule1 drugs, such as marijuana, would result in MRB considering another look at schedule-1 drugs or medications for the future for both CDL and non-CDL drivers. Mr. Buchanan mentioned that it was approximately eight years ago when the Schedule1 drug classifications were changed.

Adjournment

Ms. Watson provided final remarks. Dr. Pervall adjourned the meeting at 4:15 pm.

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

//Signed//

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

//Signed//

Shannon L. Watson
Designated Federal Officer, MRB