



MEDICAL REVIEW BOARD

Meeting Minutes September 26-27, 2017

The Federal Motor Carrier Safety Administration's (FMCSA) Medical Review Board (MRB) met on September 26-27, 2017, in Arlington, VA. In accordance with the provisions of Public Law 92-463, the meeting was open to the public. Gina Pervall, M.D., MRB Chairman, called the meeting to order at 9:15 a.m. on Monday, September 26.

The following individuals attended the meeting:

MRB COMMITTEE MEMBERS

Gina C. Pervall, M.D., Chairman
Christine M. Cisneros, M.D., M.P.H., Ph.D.
Michael T. Kelley, M.D., M.P.H.
Brian T. Morris, M.D., J.D., M.B.A., M.P.H.
Albert James Osbahr III, M.D.

FMCSA AND OTHER GOVERNMENTAL REPRESENTATIVES

Angie Byrne, M.P.H., M.C.H.E.S., C.P.H., United States Department of Transportation, Volpe Center
David Freeman, Committee Management Officer, USDOT
Christine Hydock, Chief, Medical Programs Division, Office of Policy, FMCSA
Larry Minor, Designated Federal Officer (DFO), FMCSA
Eileen Nolan, Medical Programs Division, FMCSA
Barry Plans, Senior Advisor to the Secretary, USDOT
Shannon Watson, Senior Policy Advisor and Designated Federal Officer (DFO), FMCSA
Jamie Whitfield, FMCSA

OTHER ATTENDEES

Brandon Buchanan, American Bus Association
Keith Charles, National Motor Freight Traffic Association
Jay Grimes, Owner Operator Independent Drivers Association
Mirna Gustave, Volpe Center
Natalie P. Hartenbaum, M.D., M.P.H., FACOEM
Tracy Henke, National Tank Truck Carriers
Eric Miller, Transport Topics
Morgan Nash, Volpe Center



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REMARKS AND COMMITTEE ACTION

The MRB meeting minutes from October 25, 2016, were approved.

1. Task 17-1, Review of Medical Examiners Handbook (MEH): Gina Pervall and Larry Minor

Christine Hydock provided an overview and history of the Medical Examiner's Handbook, which was first posted to the FMCSA website in 2008 to provide guidance to medical examiners (MEs) on the physical qualification examination.

The MRB reviewed and streamlined the Medical Examiner's Handbook. This review included the removal of non-regulatory directive language and the update and removal of obsolete information. Following the review, the MRB made recommendations to the Agency on the revision of the Agency's handbook for MEs on the National Registry of Certified Medical Examiners (National Registry), for their use in evaluating interstate commercial motor vehicle (CMV) drivers for a medical qualification determination.

Discussion points

- The difference between best practices, standards, and recommendations is a reoccurring issue and committee members discussed confusion over using the terms interchangeably.
- Following further discussion on the terms and the intent of the handbook, Natalie Hartenbaum suggested reorganizing the words in the actual handbook, which are "standards of practice," and added that regardless of what language is used, some examiners will interpret it as "standards of practice" and others would not think of it as a requirement.
- Jay Grimes of the Owner-Operator Independent Drivers Association commented that formatting of the handbook should be improved and that truckers have seen erroneous statements in the handbook—the Agency needs to make sure the content is factual. He recommended adding a note that CMEs should not overrule personal physicians. He also recommended adding a driver's bill of rights to the handbook or attaching one as a separate document.
- Christine Hydock, Chief of Medical Programs, commented that the agency is in control of the certification test and is currently looking at it to ensure that it is properly written. She mentioned the Agency's plan moving forward to scrub the current test and to add a refresher training.
- Larry Minor of FMCSA discussed recent data runs by the National Registry that have found outliers in medical examiners and statistics that are being analyzed, including statistics from the driver side, that uncover which drivers are "doctor shopping."
- The committee discussed the need to provide criteria that will help the examiners at a basic level, as well as the need to look into making word changes to keep the handbook more consistent.
- Jay Grimes of the Owner-Operator Independent Drivers Association recommended taking out the "Crashes, Injuries, and Fatalities" section on pages 21-22 of the handbook.
 - MRB recommended removing the pictures and adding language about the 1999 Mother's Day crash caused by medical issues.
- Jay Grimes of the Owner-Operator Independent Drivers Association recommended removing the "REMEMBER: If the driver is on dialysis, he/she cannot drive" note on page 31 of the handbook.
 - MRB recommended removing all "REMEMBER" and "NOTE" statements.



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- Committee members noted that there are non-MDs taking histories and recommended including information at a basic level to account for their knowledge base.

2. Task 17-1 Recommendations

Along with the deliberation of the MEH, the MRB developed a list of recommendations to be submitted to the Agency by the end of 2017.

3. Task 17-2, Review of FMCSA's Seizure Standard for CMV Drivers: Gina Pervall, MD, Chairman

The MRB reviewed the Agency's current advisory and exemption program criteria concerning individuals who have established medical history or clinical diagnosis of epilepsy or any other condition likely to cause the loss of consciousness or any loss of ability to control a CMV. The committee identified factors the Agency should consider for potential regulatory actions that would eliminate the need for granting an exception.

Jamie Whitfield of FMCSA presented on the key issues and history of the FMCSA seizure standard.

Discussion points

- Members do not want to go against the medical expert panel (MEP) that created the program and change their guidelines, and suggested returning to the panel with questions regarding the guidelines for clarification.
- The committee suggested having a panel of neurologists similar to a Medical Review Board to review the cases. They discussed the desire to shift the responsibility to the neurologist to say whether or not the driver is at risk.

4. Finalize Report on 16-2 Recommendations

The MRB discussed a three-step process to move forward with the review of FMCSA's Seizure Standard for CMV drivers.

Step 1: Request comments within 90 days from physicians who authored the initial 2007 MEP (x5), American College of Occupational and Environmental Medicine, National Epilepsy Foundation, American Neurological Association, and American Academy of Neurology. Include 2007 MEP Report, The Driver's Role, and a link to the Evidence Report: Seizure Disorders and Commercial Motor Vehicle Driver Safety (Comprehensive Review).

Step 2: Open an Advance Notice of Proposed Rulemaking (ANPRM) for any updates to the 2007 report.

Step 3: Produce a new report from the medical expert panel after collecting comments from neurologists regarding their willingness to participate in this program.

5. Concluding Remarks: Shannon Watson and Larry Minor



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Shannon Watson introduced David Freeman, Committee Management Officer for the United States Department of Transportation and Barry Plans, Special Assistant for the United States Department of Transportation, who thanked the MRB for their work on behalf of the Office of the Secretary.

The committee proposed a follow-up meeting in early November 2017 to complete their review of the Medical Examiners Handbook.

PRESENTATIONS

	Presenter	Presentation
1	Jamie Whitfield, FMCSA	History of FMCSA's Seizure Standard

ADJOURNMENT:

Michael Kelley motioned to adjourn the meeting, Brian Morris seconded the motion.

The meeting was adjourned at 4:30 p.m.

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

// Signed //

Gina C. Pervall, MD
Chairman, MRB

// Signed //

Larry W. Minor
Designated Federal Officer, MCSAC