



## **Meeting Minutes June 25-26, 2018**

The Federal Motor Carrier Safety Administration's (FMCSA) Medical Review Board (MRB) met on June 25-26, 2018, 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 10:05 a.m. on Monday, June 25.

The following individuals attended the meeting:

### **MRB COMMITTEE MEMBERS**

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

Raymond P. Martinez, Administrator  
Cathy Gautreaux, Deputy Administrator, FMCSA  
Wiley Deck, Director of Governmental Affairs, FMCSA  
Christine Hydock, Chief, Medical Programs Division, Office of Policy, FMCSA  
Larry Minor, Designated Federal Officer (DFO), FMCSA  
Shannon Watson, Senior Policy Advisor and Designated Federal Officer (DFO), FMCSA  
Tish Wirth, Attorney, Regulatory Law Division, FMCSA  
Laura Black, Ph.D., US DOT Volpe Center

### **OTHER ATTENDEES**

Karlene K. Ball, Ph.D., University of Alabama at Birmingham (UAB)  
Charity Coleman, US DOT Volpe Center  
Kathleen Dailey, CVS Minute Clinic  
Jay Grimes, Owner Operator Independent Drivers Association  
Natalie P. Hartenbaum, M.D., M.P.H., FACOEM  
Tracy Henke, National Tank Truck Carriers  
Alan Lankford, SleepSafe  
Lisa Marren, CVS Minute Clinic  
Patricia Marshall, United Motorcoach Association  
Abigail Potter, American Trucking Association  
Sarah Powers, ICF International

### **REMARKS AND COMMITTEE ACTION**

The MRB approved the meeting minutes from September 26-27, 2017.

#### **1. Task 17-1, Review of Medical Examiners Handbook (MEH): Gina Pervall, MD, Chairman**



The MRB continued review and streamlining of the MEH as directed by Task 17-1. The task includes the removal of non-regulatory directive language and the update and removal of obsolete information.

#### Discussion points

- Certified medical examiners (CMEs) may interpret content in the MEH as regulatory-level guidance simply because it is published by FMCSA. The MRB discussed the importance of distinguishing among regulation, codified advisory criteria and best practices. Definitions of each of these tiers are to be included in the document to ensure CMEs understand the differences.
- The MEH needs to be adjusted to apply a consistent content template and uniform formatting. The MRB suggested starting with a discussion of how each symptom relates to operating a CMV safely, followed by the regulation for that symptom, codified advisory criteria, and best practices in “should” and “may” categories. An appendix or hyperlinks may be used for some of the best practice reference material.
- Discussion and discussion documentation is an important activity of CMEs. This should be emphasized in each of the sections.
- The MEH will be used by CME from varying educational backgrounds, and consideration needs to be had to ensure content is clear for all audiences.
- The MRB was cautious about including educational or instructional narrative and focused on editing to include best practices and narrative explaining the condition as it relates to safe operation of CMVs.

#### **2. Meet the Administrator: Remarks from Ray Martinez, FMCSA**

Ray Martinez, FMCSA Administrator, thanked the MRB for their contributions to the board and for the work that they do. Safety is a core goal of the DOT, and FMCSA strives to move CMV fatalities down to zero. Medical preparedness of CMV drivers is critical to reaching this goal.

#### **3. Meet the Deputy Administrator: Remarks from Cathy Gautreaux, FMCSA**

Cathy Gautreaux, FMCSA Deputy Administrator, thanked the MRB for their efforts and encouraged the MRB to reach out to her for support as the MRB moves forward in updating the MEH. Ms. Gautreaux spoke on her experience from Louisiana where she helped small businesses comply with the regulations that the MRB is discussing, and understands the challenges the MRB is facing in updating the MEH.

#### **4. Presentation: “Examining the FMCSA Vision Standard and Vision Waiver Program for Commercial Motor Vehicle Drivers”: Karlene K. Ball, Ph.D., University of Alabama at Birmingham**

Dr. Ball presented on a research project to determine the safety efficacy of current DOT visual performance standards of CMV drivers. Data obtained during the DOT medical exam of a group of CMV drivers dating back to 2005 was linked to crash data provided through the Motor Carrier Management Information System to evaluate the standards. Based on the sample and variables provided in the study, the study found no grounds for changing the vision standards, and making the standards more stringent would likely reduce the CMV workforce with little impact on safety.

## **5. Task 15-2, Review of FMCSA's Recommendations on Potential Regulatory Actions Concerning Vision Standards for Interstate Commercial Motor Vehicle (CMV) Drivers: Gina Pervall, MD, Chairman**

The MRB reviewed the Agency's current advisory and exemption program criteria concerning visual standards. Task 15-2 requests the MRB to recommend criteria and identify factors the Agency should consider with regard to making a decision about a potential future rulemaking on vision criteria.

### Discussion Points:

- Driving records vary from state to state, and the relevant information may not be easily gleaned from the records by the CMEs.
- CMEs would need guidance from FMCSA on the criteria on which the driving record is being evaluated. MRB expressed concerns about interpreting these criteria, and preferred if this responsibility was handled by FMCSA or the state.
- A functional test was discussed as an alternative to the 3-year driving record requirement in jurisdictions where there is no waiver program.

The MRB requests the following information from FMCSA:

- What information does FMCSA require and consider for purposes of a vision exemption?
- How many vision exemption requests does FMCSA deny that are based on the experience criteria (i.e., 3 years of safely operating with a state vision waiver), as compared to reason related to the driving record?
- Summary of the safety determination made by agency for purposes of the vision exemption based on FMCSA's review of the 3-year driver record (i.e., medical condition must be stable)?
- Information about the Federalism-related implications of rulemaking relating to vision exemption standards.

The MRB is not ready to move forward with the changes proposed at the last meeting and will need to revisit the task once the requested information is received from FMCSA.

## **4. Finalize Task 17-1 Recommendations**

### Discussion points

- The MRB discussed the task and felt that if detailed supplemental information is uniformly stripped from the document, the MEH will be only regulation and advisory criteria. The MRB did not feel this was the intended purpose of the MEH.
- The MRB discussed revisiting the content as originally proposed, reviewing for where updates are needed, and eventually posing the MEH as regulatory guidance.



The MRB recommends forwarding the MEH to medical colleges for review by specialty, to identify sections that need to be updated. The MRB recommends asking these associations to review the handbook not for format but for content relevant to their specialty, and respond to the following prompts:

- Opine on questions on certification and guidelines about when safe driving can occur.
- Review the section on the job of a commercial motor vehicle driving.
- Update parameters to assess fitness for CMV driving.

## 5. Concluding Remarks: Shannon Watson and Larry Minor

Larry Minor thanked the MRB for their all of their contributions and patience with the discussions at the meeting. Shannon Watson shared logistical information, and thanked the Volpe Center for their support and the public for their contributions.

## PRESENTATIONS

	Presenter	Presentation
1	<b>Karlene K. Ball, University of Alabama at Birmingham</b>	<b>Examining the FMCSA Vision Standard and Vision Waiver Program for Commercial Motor Vehicle Drivers</b>

## ADJOURNMENT:

Dr. Gina Pervall adjourned the meeting at 4:38 p.m.

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

Gina C. Pervall, MD  
Chairman, MRB

Larry W. Minor  
Designated Federal Officer, MCSAC