



National Transportation Safety Board

Washington, D.C. 20594

Safety Recommendation

Date: September 10, 2001

In reply refer to: H-01-26

Ms. Linda Lewis
President and Chief Executive Officer
American Association of Motor Vehicle Administrators
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Arlington, Virginia 22203

The National Transportation Safety Board is an independent Federal agency charged by Congress with investigating transportation accidents, determining their probable cause, and making recommendations to prevent similar accidents from occurring. We are providing the following information to urge your organization to take action on the safety recommendation in this letter. The Safety Board is vitally interested in this recommendation because it is designed to prevent accidents and save lives.

This recommendation addresses commercial driver medical certification. The recommendation is derived from the Safety Board's investigation of the Custom Bus Charters, Incorporated, motorcoach accident that occurred in New Orleans, Louisiana, on May 9, 1999,¹ and is consistent with the evidence we found and the analysis we performed. As a result of this investigation, the Safety Board has reiterated 5 safety recommendations and issued 13 new safety recommendations, 1 of which is addressed to the American Association of Motor Vehicle Administrators. Information supporting this recommendation is discussed below. The Safety Board would appreciate a response from you within 90 days addressing the actions you have taken or intend to take to implement our recommendation.

Despite suffering from potentially incapacitating medical conditions, the driver involved in the New Orleans accident was able to obtain a medical certificate by falsifying and omitting crucial health history information from the examination form. The examiner was able to determine that the driver had heart disease, and possibly kidney disease, but she believed that the Federal regulations did not preclude the driver from obtaining a medical certificate.

Based on its investigation of the New Orleans accident and of other accidents involving drivers with known serious medical conditions who were still able to obtain medical certificates and based on testimony given at the Safety Board's January 2000 hearing on commercial driver

¹ For more information, read: National Transportation Safety Board, *Motorcoach Run-Off-the-Road Accident, New Orleans, Louisiana, May 9, 1999*, Highway Accident Report NTSB/HAR-01/01 (Washington, DC: NTSB, 2000)

oversight,² the Safety Board determined that serious flaws exist in the medical certification process for commercial drivers and concluded that:

- Individuals who are authorized to perform medical examinations and certify commercial drivers as fit to drive may lack knowledge and information critical to certification decisions. Consequently, drivers with serious medical conditions may not be evaluated sufficiently to determine whether their condition poses a risk to highway safety.
- The regulations on the medical certification of commercial drivers do not reflect current medical knowledge and information and can be ambiguous regarding the conditions that may constitute disqualification.
- The new medical certification form for commercial drivers is a substantial improvement over the previous version and, if used in its entirety and in conjunction with attached instructions, will aid examiners in making certification decisions.
- Not all individuals who are authorized to perform medical examinations and certify commercial drivers as fit to drive are made aware of information sources that could assist them with certification decisions.
- The absence of a process under which every driver medical examination form is reviewed greatly increases the likelihood that medical certificates will be issued inappropriately, thereby allowing medically unqualified commercial vehicle drivers to continue driving.
- In the absence of a mechanism to track all medical certification examinations, a commercial driver with a serious medical condition who is denied a medical certificate by one examiner may be able to obtain a medical certificate from another examiner, thus subverting the purpose of the medical certification process.
- Many drivers whose occupations and serious medical conditions are known to their employers, health care providers, and others are never reported, thereby potentially endangering the drivers themselves and others.
- Enforcement authorities cannot, in most instances, determine the validity of a medical certificate during safety inspections and routine stops because of the absence of procedures or information sources to validate the medical certificate itself.
- The inability to authenticate the information on a medical certificate hampers enforcement authorities in their ability to identify unfit drivers and place them out of service.

² National Transportation Safety Board public hearing, Effectiveness of Commercial Driver Oversight Programs, New Orleans, Louisiana, January 20 through 21, 2000.

As a result of its investigation of medical certification issues, the Safety Board found a number of elements to be critical to the establishment of an effective medical certification program for commercial drivers, as discussed below:

Qualified Examiners. Examiners should have specific training for performing examinations to determine the fitness of commercial drivers; in addition, examiners required to be the certifying authority should have a background permitting them to adequately evaluate all common medical conditions or medications for their potential to impair a driver.

Medical Certification Regulations. The regulations are updated regularly to permit trained examiners to clearly determine whether to issue a medical certificate to drivers with certain common medical conditions.

Adequate Guidance. Potential examiners should receive guidance that permits them to perform a physical examination adequate for making informed certification decisions on a commercial driver. Examiners, if required to be the certifying authority, are given guidance regarding the certification of medical conditions not covered by the regulations. Examiners should have a readily identifiable source of information for specific questions in which the guidance may be inadequate.

Review Process. Completed examination forms should undergo at least one review by a trained individual other than the examiner so that certifications issued in error are corrected or prevented. All applications or completed medical examinations on commercial drivers are recorded and reviewed so that comparisons may be made of every subsequent application or examination. This comparison ensures that significant changes in medical information provided through the medical certification system can be adequately evaluated.

Identification of Invalid Certification. Law enforcement will be able to establish during safety inspections and routine stops that a commercial driver's medical certification is valid.

Removal of Uncertified Drivers. Upon determining the validity of a certificate, law enforcement can disqualify a driver from operating a commercial vehicle. The driver will not be permitted to return to commercial driving until receiving a medical evaluation that establishes that the driver has no potentially impairing or incapacitating medical condition.

Reporting of Medical Conditions. Drivers who are found by their employers, their health care providers, or others to have developed a potentially impairing or incapacitating condition between required medical certification examinations will be reported to the appropriate regulatory authority. All potential reporters of such information are aware of and are able to utilize procedures for such reports. All medical conditions discovered through such a reporting process will be adequately evaluated.

The severity of the New Orleans busdriver's medical condition might have been rare, but the situation is not unique. The ease in which the current medical certification procedures can be bypassed virtually assures that some unfit drivers will find their way behind the wheel of a commercial vehicle, endangering themselves and the motoring public.

The Safety Board is aware that all of the State licensing agencies have adopted the Federal requirements for interstate commercial driver fitness for their intrastate commercial drivers. However, the Board recognizes that the issues discussed here apply fully to intrastate drivers as well. Therefore, the Safety Board recommends that the American Association of Motor Vehicle Administrators:

Urge your member States to develop a comprehensive medical oversight program for intrastate commercial drivers that contains the following program elements:

- Individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.
- A tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.
- Medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.
- Individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.
- The review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.
- Enforcement authorities can identify invalid medical certification during safety inspections and routine stops.
- Enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.
- Mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms. (H-01-26)

The Safety Board also issued safety recommendations to the Federal Motor Carrier Safety Administration, the National Conference of State Legislatures, the American Association of State Highway Officials, and the Louisiana Department of Transportation and Development. In addition, the Safety Board reiterated five recommendations from its 1999 bus crashworthiness special investigation³ to the National Highway Traffic Safety Administration. In your response to the recommendation in this letter, please refer to H-01-26. If you need additional information, you may call (202) 314-6607.

³ For more information, read: National Transportation Safety Board, *Bus Crashworthiness Issues*, Highway Special Investigation Report NTSB/SIR-99/04 (Washington, DC: NTSB, 1999).

Acting Chairman CARMODY and Members HAMMERSCHMIDT, GOGLIA, and BLACK concurred in this recommendation.

Original Signed

By: Carol J. Carmody
Acting Chairman