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COMMERCIAL DRIVERS

Certification Process for Drivers with Serious Medical Conditions

Statement of Gregory D. Kutz, Managing Director
Forensic Audits and Special Investigations





Highlights of [GAO-08-1030T](#), a testimony before the Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

Millions of drivers hold commercial driver licenses (CDL), allowing them to operate commercial vehicles. The Department of Transportation (DOT) established regulations requiring medical examiners to certify that these drivers are medically fit to operate their vehicles and provides oversight of their implementation. Little is known on the extent to which individuals with serious medical conditions hold CDLs. Because the effectiveness of the medical certification process is not known, this testimony, and the accompanying report (GAO-08-826) that GAO is releasing today focuses on (1) GAO’s analyses of the magnitude of commercial drivers with serious medical conditions, and (2) examples of cases where careful medical examinations did not occur on commercial drivers with serious medical conditions.

To examine the extent individuals holding CDLs have significant disabilities, GAO identified those who were in both DOT’s CDL database and selected disability databases of Social Security Administration, Office of Personnel Management, and Departments of Veterans Affairs and Labor and have been identified as 100 percent disabled according to the program’s criteria. GAO obtained current CDL data from 12 selected states. To provide case studies, GAO focused on 4 states—Florida, Maryland, Minnesota, and Virginia. For 15 drivers identified from data mining, GAO interviewed, as appropriate, the driver, the driver’s employer and the driver’s physician.

To view the full product, including the scope and methodology, click on [GAO-08-1030T](#). For more information, contact Greg Kutz at (202)512-6722 or kutzg@gao.gov.

COMMERCIAL DRIVERS

Certification Process for Drivers with Serious Medical Conditions

What GAO Found

Commercial drivers with serious medical conditions can still meet DOT medical fitness requirements to safely operate a commercial vehicle and thus hold CDLs. However, there is general agreement that careful medical evaluations are necessary to ensure that serious medical conditions do not preclude the safe operation of a commercial vehicle. Because medical determinations rely in large part on subjective factors that are not captured in databases, it is impossible to determine from data matching and mining alone the extent to which commercial drivers have medical conditions that preclude them from safely driving a commercial vehicle and therefore if the certification process is effective. GAO’s analysis provides a starting point for exploring the effectiveness of the current CDL medical certification process.

GAO’s analysis of commercial license data from DOT and medical disability data from the Social Security Administration, Office of Personnel Management, and Departments of Veterans Affairs and Labor found that about 563,000 individuals had commercial driver licenses and were determined by the federal government to be eligible for full disability benefits. This represented about 4 percent of all commercial drivers in the DOT database. The 12 selected states we analyzed represent about 135,000 of these commercial drivers. For these 12 selected states, our analysis indicates that about 85 percent of these commercial drivers still have active licenses. The majority of these drivers were issued a CDL after being approved for full federal disability benefits.

GAO’s investigations detail examples of 15 cases where careful medical evaluations did not occur on commercial drivers who were receiving full disability benefits for serious medical conditions. The following table details some of the more egregious examples from our investigation.

Examples of Commercial Drivers with Serious Medical Conditions

Type of driver	State	Medical condition
Bus	Florida	Driver receives disability benefits due to breathing insufficiency, for which he uses three daily inhalers. He stated that he “occasionally blacks out and forgets things,” but continues to hold a CDL and be hired as a substitute bus driver, despite not having the required medical certificate.
Bus	Minnesota	Driver receives disability benefits due to epilepsy. He also suffers from headaches, sleep apnea, asthma, and high blood pressure. Driver and medical examiner agreed that if the driver felt “loopy” he would not drive a commercial vehicle.
Truck	Florida	Driver receives disability benefits for multiple sclerosis, which causes fatigue. Driver hauls circus equipment to various shows, despite not having the required medical certificate.
Truck	Maryland	Driver receives disability benefits for complete deafness. Medical examiner acknowledged error in certifying medical fitness of driver.

Source: GAO.

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to discuss commercial drivers with serious medical conditions. Millions of American drivers hold a commercial driver license (CDL) that allows them to operate a variety of commercial vehicles such as school buses, cargo vans, and tractor trailers. To help prevent accidents resulting from commercial drivers with medical conditions, federal law requires medical examiners to certify that commercial drivers are medically fit to operate their vehicles. Not all serious medical conditions interfere with the safe operation of a commercial vehicle. In fact, some federal disability programs appropriately try to encourage individuals to work. However, some serious medical conditions can and should disqualify a driver from being medically certified according to Department of Transportation (DOT) regulations.

Because the effectiveness of the current medical certification process is not known, our testimony, and the accompanying report that we are releasing today,¹ provide a starting point for this discussion. Today's testimony focuses on (1) our analyses of the magnitude of commercial drivers with serious medical conditions, and (2) examples of cases where careful medical examinations did not occur on commercial drivers with serious medical conditions.

To examine the extent to which individuals holding CDLs have serious medical conditions, we identified people who were in both DOT's CDL database and selected federal disability databases—Social Security Administration (SSA), Office of Personnel Management (OPM), the Department of Veterans Affairs (VA), and the Department of Labor (DOL)—and have been identified as 100 percent disabled according to the program's criteria. Because DOT's data also include inactive licenses, we obtained current CDL data from 12 selected states (based primarily on the size of CDL population) to identify active CDL license holders who are receiving full federal disability benefits. To provide case study examples we focused on 4 states—Florida, Maryland, Minnesota, and Virginia. For 15 drivers identified from data mining, we interviewed, as appropriate, the driver, driver's employer, and driver's physician. We performed our investigative work from May 2007 to June 2008 in accordance with

¹GAO, *Commercial Drivers: Certification Process for Drivers with Serious Medical Conditions*, [GAO-08-826](#) (Washington, D.C.: June 30, 2008).

standards prescribed by the President's Council on Integrity and Efficiency.

Summary

Commercial drivers with serious medical conditions, even those determined to be 100 percent disabled, can still meet DOT medical fitness requirements to safely operate a commercial vehicle and thus hold CDLs. As such our analysis provides a starting point for exploring the effectiveness of the current CDL medical certification process. Our analysis of commercial license data from DOT and medical disability data from SSA, VA, OPM, and DOL found that about 563,000 individuals had CDLs and were determined by the federal government to be fully disabled.² This represented about 4 percent of all CDLs in the DOT database. Our analysis of persons with CDLs who are receiving full federal disability benefits from 12 selected states (135,000) indicates that most of these commercial drivers still have active licenses. Specifically, about 85 percent (114,000) had a current CDL. A majority of these drivers (85,000) were issued a CDL after being approved for full federal disability benefits.

Our investigations detail 15 cases where careful medical evaluations did not occur on commercial drivers who were fully disabled. Some of the more egregious examples of our investigations include:

- A bus driver in Maryland has been receiving Social Security disability benefits since March 2006 due to his heart condition. In June 2006, approximately 3 months after Social Security determined the driver was fully disabled, the Maryland driver license agency renewed his CDL. The bus driver provided our investigator a forged medical certificate.
- A bus driver in Florida has been receiving Social Security disability benefits since 1994 for breathing deficiencies. The bus driver currently uses three daily inhalers to control his breathing. The bus driver stated that he "occasionally blacks out and forgets things." However, the driver stated that he continues to be hired as a substitute bus driver even though he does not have the required medical certification.

²A certain number of commercial drivers may also not be legally entitled to federal disability payments because they do not have a qualifying disability. For example, our review did not make a determination as to whether commercial drivers committed fraud in their application for disability benefits.

Serious Medical Conditions and Commercial Driver Licenses

Commercial drivers with disabilities, even those determined to be 100 percent disabled, can still meet DOT medical fitness requirements for operating a commercial vehicle and thus hold CDLs. Although we fully support individuals with serious medical conditions receiving the training and certifications necessary to safely operate commercial vehicles, there is general agreement that careful medical evaluations are necessary to ensure that serious medical conditions do not preclude the safe operation of a commercial vehicle. Because medical determinations rely in large part on subjective factors that are not captured in databases, it is impossible to determine from data mining and data matching the extent to which disabled commercial drivers have a medical condition that precludes them from safely driving a commercial vehicle and therefore if the certification process is effective. As such our analysis provides a starting point for exploring the effectiveness of the current CDL medical certification process.

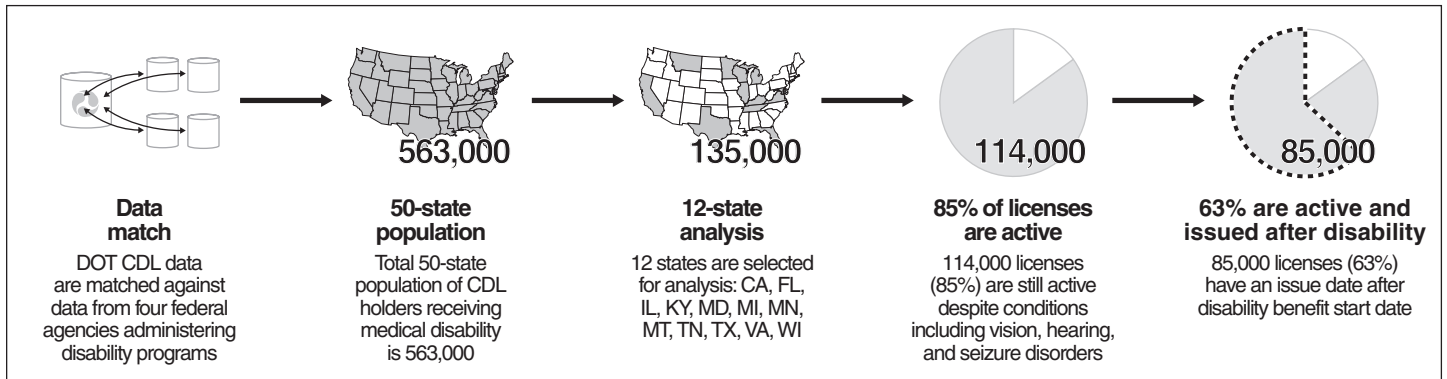
Our analysis of DOT data and disability data from the four selected federal agencies—SSA, VA, OPM, and DOL—found that about 563,000 individuals had been issued CDLs and were receiving full medical disability benefits.³ This represented about 4 percent of all CDLs in the DOT database.⁴

As shown in figure 1, of the 563,000 CDL holders nationwide who are receiving full federal disability benefits, about 135,000 are from our 12 selected states. About 114,000 of these 135,000 individuals, or about 85 percent, had an active CDL according to data provided by the 12 states. Further, our analysis of the state CDL data indicates that most of the licenses were issued after the commercial driver was found to be eligible for full disability benefits. Specifically, about 85,000 of the 135,000 individuals, or about 63 percent, were issued a CDL after the federal agency determined that they met the federal requirements for full disability benefits.

³SSA and VA accounted for 99 percent of the identified drivers.

⁴Because DOT's database includes drivers with suspended, revoked, or lapsed licenses, the actual number of active commercial drivers who receive full federal disability benefits cannot be determined. Also, our analysis does not include drivers with severe medical conditions who are not in the specific disability programs we selected.

Figure 1: CDL Drivers with Full Federal Disabilities for 12 Selected States



Source: GAO (data), Art Explosion (graphics).

Because much of the determination of the medical fitness of commercial drivers relies on subjective factors, and because there are ways to circumvent the process (as discussed below), it is impossible to determine the extent to which these commercial drivers have a medical condition that would preclude them from safely driving a commercial vehicle.⁵ However, because these individuals are receiving full disability benefits, it is likely that these medical conditions are severe. Further analysis showed that over 1,000 of these drivers are diagnosed with vision, hearing, or seizure disorders, which are medical conditions that would routinely deny the granting of a CDL.⁶

Examples of Commercial Drivers with Serious Medical Impairments

Our investigations detail 15 cases where careful medical evaluations did not occur on commercial drivers who were receiving full medical disability benefits. In all 15 cases, we found that the states renewed the drivers' CDLs after the drivers were found by the federal government to be eligible for full disability benefits. We referred all 15 cases to their respective state driver license agencies for further investigation. In table 1, we summarize 5 of the more egregious cases.

⁵Federal disability programs such as SSA's "Ticket to Work" allow certain fully disabled recipients to work and still receive disability benefits.

⁶49 C.F.R. §391.41(b).

Table 1: Summary Information on Five Commercial Drivers with Active Licenses despite Serious Medical Conditions

Case	State	Details
1	Maryland	<ul style="list-style-type: none"> • Bus driver has received Social Security disability benefits since March 2006 due to an aneurysm of the aorta and valvular heart disease. • Three months after disability determination, the state renewed bus driver's CDL for 5 years. • The bus driver provided our investigator a forged medical certificate without the required medical license number. Medical examiner denied conducting CDL medical exam or signing the medical certificate.
2	Florida	<ul style="list-style-type: none"> • Bus driver has received Social Security disability benefits since 1994 for chronic obstructive pulmonary disorder (COPD).^a • Bus driver currently uses three daily inhalers to control breathing, and stated that he "occasionally blacks out and forgets things." • Driver continues to be hired as a substitute bus driver, despite not having a medical certificate. • Bus driver's CDL expires in 2010.
3	Minnesota	<ul style="list-style-type: none"> • Bus driver has received Social Security disability benefits since 2004 for epilepsy, among other medical conditions. • Medical examiner certified the driver in 2007 despite previously prescribing him daily antiseizure medication. DOT guidance states that this disqualifies the driver. • The driver and medical examiner agreed that if the driver felt "loopy" he would not drive a commercial vehicle. • Driver stated that he also suffers from headaches, sleep apnea, asthma, and high blood pressure. • The state driver license agency renewed the CDL for 4 years in 2007.
4	Florida	<ul style="list-style-type: none"> • Truck driver has received Veteran Affairs disability benefits since 1990 for multiple sclerosis. • Driver stated that the medical condition causes fatigue. • Driver stated he received his last medical certificate in the late 1990s. • The driver's relative occasionally employs the driver to haul circus equipment to various shows, despite not having a current medical certificate. • The state driver license agency renewed the CDL for about 4 years in 2007.
5	Maryland	<ul style="list-style-type: none"> • Truck driver has received Social Security disability benefits since 2001 due to complete deafness. • Truck driver operates a dump truck as part of an excavating business. • Medical examiner admitted error in certifying medical fitness of driver. • The state driver license agency last renewed the CDL in 2006.

Source: GAO.

^aChronic obstructive pulmonary disease (COPD) is a term referring to two lung diseases, chronic bronchitis and emphysema.

The above cases illustrate instances where careful medical examinations did not occur. Based on our investigations, we found:

- Most states do not require commercial drivers to provide medical certifications to be issued a CDL. Instead, many states only require individuals to self-certify that a medical examiner granted them a medical

certification allowing them to operate commercial vehicles, thus meeting the minimum federal requirements.⁷ As a result, we found several commercial drivers who made false assertions on their self-certification that they received a medical certification when in fact no certification was made.

- Commercial drivers produced fraudulent documentation regarding their medical certification. Specifically, we found instances where commercial drivers forged a medical examiner's signature on a medical certification form. In addition, we also found a driver who failed to disclose to the medical examiner that another doctor had prescribed him morphine for his back pain.
- Certain medical examiners did not follow the federal requirements in the determination of medical fitness of commercial drivers. For example, one medical examiner told GAO that she did not know that a driver's deafness disqualifies the driver from receiving a medical certification.

Mr. Chairman and Members of the Committee, this concludes my statement. I would be pleased to answer any questions that you or other members of the committee may have at this time.

Contacts and Staff Acknowledgments

For further information about this testimony, please contact Gregory D. Kutz at (202) 512-6722 or kutzg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this testimony. GAO staff who made major contributions to this report include Matthew Harris, Assistant Director; Andrew O'Connell, Assistant

⁷DOT is finalizing a proposed rule to merge information from the medical examiner's certificate into the commercial driver license process as required by the Motor Carrier Safety Improvement Act of 1999. The new rule would require drivers to provide a copy of their current medical examiner's certificate to their state driver license agency. This new rule would make the state driver license agencies responsible for ensuring that holders of commercial driver licenses have current medical certificates.

Director; Matthew Valenta, Assistant Director; Gary Bianchi; Sunny Chang; Paul DeSaulniers; Eric Eskew; Craig Fischer; John Kelly; Jeffrey McDermott; Andrew McIntosh; Philip Reiff; Ray Rodriguez; Daniel Silva; Nathaniel Taylor; and Lindsay Welter.

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