

**STATEMENT OF
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**BEFORE THE HOUSE COMMITTEE
ON TRANSPORTATION AND INFRASTRUCTURE
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Chairman Oberstar, Ranking Member Mica, and Members of the Committee, thank you for inviting me today to discuss the Federal Motor Carrier Safety Administration's (FMCSA's) medical program and to highlight our Agency's progress toward improving oversight of the process for certifying the physical qualifications of a driver of a commercial motor vehicle (CMV). FMCSA is pursuing program initiatives and exploring rules to support the medical program in preparation for implementation of new initiatives, such as the National Registry of Certified Medical Examiners and regulations to provide for a Federal medical qualification certificate to be made part of the Commercial Driver's License (CDL). These initiatives include engaging the diverse medical community that examines drivers for medical fitness for duty, and in carrying out the planning, development, and research necessary to promulgate and enforce these proposed rules and programs.

The FMCSA sought and received expanded authorities to support its medical program. This expansion was provided by section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU). SAFETEA-LU strengthened FMCSA's ability to regulate the medical examiners that conduct more than 3 million driver physical qualification examinations each year and addressed some of the challenges the Agency faces in creating a comprehensive system of medical standards where none existed previously.

The FMCSA is responsible for regulating more than 6 million CMV drivers who undergo medical examinations at least every two years. Given the size of this commercial driver population, the system created to examine drivers for medical fitness for duty will require the registration of thousands of certified medical examiners to carry out the program. Mr. Chairman, FMCSA appreciates your support of our strategy to build a strong foundation for FMCSA's medical program.

Comprehensive Medical Program

The FMCSA's medical program promotes the safety of America's roadways through the development and implementation of medical qualification standards that ensure interstate truck and bus drivers are qualified physically to operate their vehicles safely. FMCSA's program seeks to accomplish the following goals:

- Develop evidence-based medical standards supported by research and science;

- Ensure effective medical standards that minimize the need for exemptions and waivers;
- Implement programs linked to safety improvements; and
- Enforce medical regulations against non-complying motor carriers and medical practitioners.

Four years ago, FMCSA refocused its medical program to enhance oversight of the medical certification process for truck and bus drivers. The Agency supplemented Federal personnel with several expert clinical consultants, including two prominent physicians who are national experts in occupational medicine and who have substantial expertise in transportation medical standards. In addition, recognizing the importance that leadership of the medical program has on strengthening this area, the Agency upgraded the position of Director of Medical Programs to a Senior Executive Schedule position. FMCSA evaluated existing programs and projects and made program improvements with new performance-based goals and objectives to sustain the medical program's new direction.

Significant Progress Has Been Made

Mr. Chairman, FMCSA maintains a rigorous enforcement program that, in conjunction with State and local partners, is supported by conducting compliance reviews (CRs) and roadside inspections. These inspections and CRs provide important information on driver compliance with the Federal Motor Carrier Safety Regulations and FMCSA's medical program. The Agency uses the results of these activities to identify opportunities to provide oversight of the medical certification process for commercial drivers, including information regarding the extent of missing or invalid medical certificates. For instance, in 2007, FMCSA and its State partners conducted more than 3 million roadside inspections and more than 16,000 CRs. As a result of the roadside inspections, more than 145,000 citations were issued to drivers who did not possess their medical certificates and more than 42,000 citations to drivers with expired medical certificates. Among the 16,000 CRs FMCSA conducted, 43 acute violations were identified where carriers used physically unqualified drivers and 181 critical violations identified where carriers did not have medical certificates on file.

In 2004, when the FMCSA began revitalizing the medical program, the Agency focused its efforts on linking regulations, policies, and programs to safety on America's roadways. There was no coherent program infrastructure in place and no roster of medical professionals who performed driver physical qualification examinations. With a regulated population of more than 6 million interstate drivers, of which approximately 3.1 million are interstate CDL holders, FMCSA has worked hard to engage drivers, trucking and bus companies, and the medical community in setting a new direction for the FMCSA medical program. At this time, I would like to describe some of the steps FMCSA has taken to strengthen its medical oversight.

New Initiatives

Two new initiatives form the cornerstone of FMCSA's medical program redevelopment, the proposed merger of the Medical Certification and CDL processes, and creation of a National Registry. Currently, these two initiatives are under Departmental development and review.

Medical Certification and the CDL

First, the proposal to merge the medical certification process and the CDL issuance and renewal process would improve FMCSA's and the States' ability to monitor the medical certification status of interstate drivers. This is important because, in the past, most States had paper-based systems and allowed drivers to "self-certify" as to whether they possessed a valid medical certificate. Among the provisions published in the November 2006 Notice of Proposed Rulemaking (NPRM) and now under consideration is the requirement that CDL holders provide a copy of their medical certificate to the State Driver Licensing Agency in order to be granted a CDL or to maintain their existing interstate driving privileges. States would then add the medical certification information to the driver's record. Were a driver to fail to renew his medical certificate, or if the driver were to fail the physical examination, the CDL would be downgraded automatically to prohibit operation in interstate commerce.

As part of this rulemaking, States would be required to make the medical certification status available electronically to motor carrier safety enforcement personnel, motor carriers, and drivers. FMCSA and the States would be able to monitor whether a driver is medically certified, meaning that interstate CDL drivers would no longer be required to carry the medical certificate (also known as a medical card). Non-compliance with the medical requirements would be verifiable at the roadside by enforcement officers querying the driver license system – something they cannot now accomplish.

FMCSA has worked with its CDL Task Force, an advisory committee authorized by SAFETEA-LU, and other key stakeholders on an approach that would help to remove medically unqualified drivers or drivers who have expired certifications from America's roads. Improving the CDL system to require medical certificate information on the driver's record would prevent fraud that occurs with the paper-based system and strengthen the foundation for monitoring individual driver medical certification status.

National Registry

Second, FMCSA has the process underway to establish a national registry of certified medical examiners. This would accomplish the following: 1) establish national training, testing, and certification standards for medical examiners who conduct physical examinations and certify that interstate truck and bus drivers meet the Federal medical qualification standards; 2) establish a database (or National Registry) of certified and qualified medical examiners for use by motor carriers, drivers, and Federal and State enforcement personnel; and 3) require medical examiners to transmit certain information

electronically to FMCSA. The goal would be to ensure that medical examiners undergo an accredited, standardized training and testing program and to ensure that driver physical examinations are conducted in a more consistent manner, enabling greater monitoring of medical examiner performance.

Together, these two initiatives would strengthen medical certification and the driver medical examination process. Additionally, FMCSA is incorporating implementation plans for these proposed rules within Agency initiatives, including the CDL Information System modernization and the Comprehensive Safety Analysis 2010 programs. Through these combined efforts, FMCSA will improve the Agency's ability to monitor driver safety, which includes the capacity to monitor the medical examiners that perform the physical qualification examinations.

Strengthening Federal Medical Standards for CMV Drivers

In 2005, FMCSA established the Department of Transportation's first Medical Review Board (MRB), an advisory committee subject to the Federal Advisory Committee Act and authorized specifically by SAFETEA-LU. The MRB's role is to provide advice to the Agency about the medical adequacy of existing standards. From a pool of nearly 100 interested physicians who volunteered for MRB service, the Agency selected five highly qualified physicians from across the United States, representing different medical specialties from across the United States. To date, FMCSA's MRB has held eight public meetings, including one held last week on July 18. These physicians have provided valuable insight on how to improve CMV driver medical standards and have made more than 40 science-based recommendations that FMCSA is considering to develop proposed changes to the medical regulations.

The Agency's new science-based model for analyzing risk of driving with a particular disease or injury is an important aspect of FMCSA's work to strengthen driver medical standards. FMCSA is using a systematic review model, where independent research studies are combined and analyzed to understand the relationship between driving with a medical condition and truck and bus crashes. This evidence-based medicine approach is used by the U. S. Department of Health and Human Services to set policy for the efficacy of medications. Modern medicine relies on the work of "evidence-based practice centers" to establish standards to guide clinical practice. The use of research from these same centers will help ensure FMCSA medical standards are based upon the best available information currently used by healthcare practitioners.

In examining its regulated driver population, FMCSA applies the evidence to analyze how disease and injury or symptoms from medical conditions, such as drowsiness or dizziness, are more likely to result in a large truck or bus crash. Once a study is completed, FMCSA holds a proceeding with physicians and scientific experts to conduct a peer review of this evidence. The evidence report and expert panel recommendations are then reviewed by the MRB. To date, FMCSA has completed 12 evidence reports on a wide range of topics, from medications and diabetes mellitus to vision and cardiovascular disease. FMCSA values the commitment of its MRB and the many physicians and scientists who have

participated in our initiatives to strengthen the commercial driver medical regulatory program. The Agency is now considering proposed changes to the driver physical qualification requirements to ensure that evidence-based standards are used to determine medical fitness for duty.

Engaging New Partners in CMV Safety

Mr. Chairman, in recent years, the FMCSA has made great efforts to engage and strengthen its partnership with the medical community and organizations that share its interest in CMV driver health and safety. FMCSA knows this to be an area where the cause and effect are often elusive. Crashes are usually the result of multiple events leading up to an incident. Braking, speed, and aggressive driving can be established but the effect of a person's physical condition is extremely hard to establish as a direct causal factor for a crash, with the exception of several obvious causes, such as a cardiac event that can be verified by an autopsy.

In 2006, FMCSA began holding public forums to discuss its medical program, including meetings to gather the public and medical community perspectives on the proposed National Registry program. FMCSA's MRB meetings serve as a national forum where drivers, motor carriers, and medical practitioners can discuss proposed changes to medical rules and policies.

Since 2006, FMCSA has convened multidisciplinary work groups to discuss improvements to the driver medical certification process. Current regulations allow driver medical examinations to be conducted by medical doctors, doctors of osteopathy, physician assistants, advanced nurse practitioners, chiropractors, and any other medical professional licensed or certified by individual State laws to perform occupation-specific physical examinations in accordance with the Agency's protocols. Through these forums and FMCSA's outreach efforts, the Agency has developed a national list serve of nearly 6,000 medical examiners and safety organizations with representation from all 50 States and the District of Columbia to communicate directly with the medical examiner community.

The FMCSA established a new partnership with the American College of Occupational and Environmental Medicine (ACOEM), the preeminent medical association that champions occupational health and safety in the United States. Through the ACOEM, the Agency sponsors a physician fellow who works with FMCSA on driver medical standards and research in support the medical program.

Additionally, the FMCSA has taken a leadership role that demonstrates its strong commitment to the commercial driver medical program. In 2006 the Agency began the Federal Transportation Medical Roundtable, which provides a Federal forum for discussion about medical standards and their relationship to workers, especially transportation workers. The Roundtable brings together all of the U.S. Department of Transportation's operating administrations and other Federal agencies with transportation safety responsibilities, such as the U. S. Department of Labor's Occupational Health and Safety Administration, the U. S. Coast Guard, and the U. S. Postal Service. This informal

working group shares new and relevant information about work in progress on driver and other transportation medical issues.

The FMCSA is conducting a comprehensive, science-based approach to improving its medical program, while engaging the public and key stakeholders in this critical aspect of the Agency's safety program.

Other Initiatives to Support FMCSA's Medical Program

The Agency is considering several additional important initiatives to support its medical regulatory program. FMCSA has conducted an outreach and education program for its field and State personnel to enhance their understanding of the driver medical requirements. In addition to new Web-based education materials, FMCSA conducts Webinars on topics such as the driver medical examination and how medications may impact driving. These educational activities provide new tools for both Federal and State field personnel to use when enforcing FMCSA's medical regulations, as well as valuable insight into what problems investigators and inspectors encounter during compliance reviews and at the roadside during inspections.

FMCSA will release soon the first few chapters of an on-line medical examiner handbook, the on-line education resource for practitioners who conduct driver examinations. The Agency has worked closely with many expert medical consultants including the MRB and medical expert panelists, as well as the ongoing multidisciplinary working groups, to develop this handbook that will provide core curriculum materials for medical examiners. While this information will change as medical regulations evolve, FMCSA decided to begin this process of improving the quality of information available to medical examiners prior to its publication of the forthcoming National Registry rulemaking.

FMCSA completed the first formal job analysis, a study that supports the launch of a new accredited training program, of the various healthcare professionals who perform CMV driver medical examinations in 2007. This Role Delineation Study defines the essential elements of the physical examination and examines scientifically the relevance of each task. This type of study is conducted independently as one requirement for national program accreditation and is typically conducted every five years. As a result of the Role Delineation Study, FMCSA and the public will benefit from an evaluation of the physical qualification requirements and an improved understanding of who performs these examinations. The majority of the more than four thousand study participants provided demographic data about the medical examiner community, with nearly equal representation among urban, suburban, and rural communities.

In addition to the Role Delineation Study, FMCSA is conducting a focused survey to analyze medical examiner performance with a sub-analysis of direct observations of the examiners at work. The Agency expects to answer some important questions, such as how medical examiners are performing in the field, whether there exist any differences between methods and outcomes by medical discipline, and how to define the role of the medical

examiner delegate (e.g., medical or nursing assistant). These data will provide insight into the medical examiner decision-making process.

Currently, more than 100 medical examiners are taking a trial certification test. This is a program accreditation requirement for which FMCSA has developed a core curriculum question test bank of 450 questions. FMCSA will analyze passing scores and differences among practitioners as it develops a standardized national medical examiner test.

Coupled with the development of the informational technology system business requirements that accompany the proposed changes in the medical regulatory program, these studies ensure that FMCSA can implement important new programs such as the National Registry effectively and efficiently.

Conclusion

Mr. Chairman, given the aging American workforce, the driver medical certification process will increase in complexity in the coming years. FMCSA is committed to establishing and maintaining prudent and effective medical standards based on the best available scientific evidence. This includes diagnoses and advances in treatment. The Agency works to ensure that its standards prohibit drivers from operating trucks and buses in interstate commerce if the drivers have medical conditions that would likely compromise their ability to operate safely. In the end, FMCSA seeks to establish sound medical regulations that balance the desire for drivers to work in commercial operations while ensuring the traveling public is not placed at risk. As priorities change and our Nation's transportation needs evolve, safety on our roads must remain paramount to all priorities. Road safety is, and will continue to be, FMCSA's chief priority.

Thank you for the opportunity to speak to you today about this important issue. I would be happy to respond to any questions you may have.