



Medical Review Board Bylaws

Section I: Purpose

The purpose of the Federal Motor Carrier Safety Administration (FMCSA) Medical Review Board (MRB) is to have a nationally recognized standing board of medical experts provide scientific advice to the Department of Transportation's (DOT) FMCSA on medical issues. These medical issues include physical qualifications of commercial motor vehicle (CMV) drivers as defined in 49 CFR 390.5, medical standards and guidelines, and other questions and projects as directed by FMCSA.

The MRB will be charged with the review of all current FMCSA medical standards and the development of new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce are physically, mentally, and emotionally capable of the safe operation of their vehicles.

The MRB will provide information, advice, and recommendations to the Secretary of Transportation on all aspects of development and implementation of science-based physical qualification standards applicable to interstate CMV drivers. The MRB will not hold regulatory development responsibilities, manage programs, or make decisions affecting such programs. The MRB is one Departmental forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective.

Section II: Authority

The Administrator of FMCSA has determined that the establishment of the MRB is in the public interest. The MRB is subject to the Federal Advisory Committee Act (FACA), as outlined in the MRB Charter, filed with Congress on September 20, 2005.

Section III: Membership Selection

The MRB shall be composed of five (5) special government employee members, each of whom shall be appointed by the Secretary of Transportation upon the recommendation of the Administrator of FMCSA. Criteria for appointment include: medical expertise in a medical specialty; understanding of research methods; knowledge of transportation medical issues; experience on panels that develop medical standards; a record of scientific collaboration and professional service; and experience with developing teaching programs. Medical specialties include, but are not limited to: cardiovascular and cerebrovascular diseases; endocrine diseases;

injury; medicolegal issues; neurological disorders; occupational and environmental medicine; and psychiatric diseases.

Membership includes the responsibility to personally attend MRB meetings. FMCSA reserves the prerogative of replacing any member who is unable to fully participate in the Board's meetings. Alternate members will not be permitted to represent those individuals appointed by DOT without prior written agreement from the Secretary of Transportation.

Each member shall be appointed by the Secretary of Transportation for a two-year term, with each member eligible for reappointment. After the first two years, terms shall be staggered, with the terms of two members expiring each year. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall fill the length of the term of the original appointee. FMCSA shall appoint a chairperson from among the membership to serve as a facilitator and impartial mediator to assist in reconciling opposing points of view among committee members. A co-chair shall be elected from among the members.

Section IV: Meeting Procedures

The Designated Federal Official (DFO) or the Alternate DFO, in consultation with a chairperson (or co-chair in the absence of a chair), shall call MRB meetings at least three (3) times each calendar year. The following procedures shall govern the conduct of all MRB meetings:

1. Meetings shall be open to the general public, except as provided under FACA.
2. Notice of each meeting shall be published in the *Federal Register* at least fifteen (15) calendar days prior to the date of the meeting. The *Federal Register* notice shall include the agenda.
3. A chairperson (or co-chair in the absence of a chair) shall preside at each meeting.

A. Agenda: The DFO will approve the agenda for all meetings. FMCSA will distribute the agenda to the members prior to each meeting and will publish the preliminary agenda with the notice of the meeting in the *Federal Register*. Items for the agenda may be submitted to the DFO or the chairperson by any member of the MRB. Agenda items may also be suggested by non-members, including members of the public.

B. Minutes and Records: Minutes of each open meeting shall be kept by FMCSA and the Department. The minutes shall contain:

1. The date, time, and place of the meeting;
2. A record of attendees at the meeting;
3. A complete and accurate description of matters discussed and conclusions reached;
4. Copies of reports received, issued, or approved by the Board; and
5. A description of public participation, including oral or written statements.

The minutes of open meetings, as approved by FMCSA, shall be available for public inspection and copying in the office of the sponsor—FMCSA’s Office of Bus and Truck Standards and Operations. Public availability of minutes of closed meetings or other documents received or generated by the MRB are subject to applicable limitations and exceptions prescribed in the Freedom of Information Act (5 U.S.C. 552 (b)).

C. Open Meetings: Unless otherwise determined in advance, all deliberations meetings of the MRB will be open to the public. Once an open meeting has begun, it will not be changed to a closed meeting for any reason. Materials brought before or presented to the Board during the conduct of an open meeting will be available to the public for review.

D. Closed Meetings: Deliberations meetings of the MRB will be closed only in limited circumstances and in accordance with applicable law. In addition, requests for closed meetings must be approved by the Office of the Secretary of Transportation and the General Services Administration’s (GSA) Office of General Counsel thirty (30) days in advance of the session.

For issues not addressed in the bylaws, Robert’s Rules of Order shall apply.

Section V: Voting

When a decision or recommendation of the MRB is required, the chairperson or chairperson designee will request a motion for a vote. Any member, including the chairperson, may make a motion for a vote. No second after a proper motion will be required to bring any issue to vote. Members who are unable to attend may vote absentee or by e-mail, and may attend by teleconference.

Section VI: Role of Board Officials

Chairperson: The chairperson works with the DFO to establish priorities, identify issues that must be addressed, determine the level and types of staff and financial support required, and serves as the focal point for the Board’s membership. In addition, the chairperson is responsible for certifying the accuracy of minutes developed by the Board to document its meetings.

The chairman is elected to a one-year term by the members of the MRB.

Section VII: Expenses and Reimbursement

Expenses related to the operation of the MRB will be borne by FMCSA. Expenditures of any kind must be approved in advance by the DFO. Each organization within FMCSA that sponsors a specific Board activity will be responsible for providing the support services outlined in Section VI and will ensure compliance with FACA and related policies and procedures.

The Federal Government will pay travel and per diem for MRB members at a rate equivalent to that allowable for Federal employees. Board members are not officers but are considered special employees of the Federal Government. While attending meetings or otherwise engaged in the business of the MRB, members are authorized travel and subsistence or per diem allowances (as

appropriate) in accordance with Federal Government regulations. All travel by individual members when engaged in official MRB business shall be approved in advance by FMCSA.

Section VIII: Appendix. FACA Requirements

The Designated Federal Official (DFO) is Associate Administrator for Policy and Program Development, Rose A. McMurray. Alternate DFOs are Director, Office of Bus and Truck Standards and Operations, Larry W. Minor and Chief, Physical Qualifications Division, Mary D. Gunnels. Madeline Boyd is FMCSA FACA Officer. Kirk Foster is FACA Attorney. Cynthia Roscoe is DOT FACA Officer.

Designated Federal Official: The DFO (or DFO designee) serves as the government's agent for all matters related to the Board's activities. By law, the DFO must:

1. Approve or call the meeting of the Board;
2. Approve agendas;
3. Attend all meetings;
4. Adjourn the meetings when such adjournment is in the public interest; and
5. Chair meetings of the Board, when so directed by the Administrator of FMCSA or his/her designee.

In addition, the DFO is responsible for providing staff support to the Board, including the performance of the following functions:

1. Notifying members of the time and place for each meeting;
2. Maintaining records of all meetings, including subgroup or working group activities, as required by law;
3. Maintaining the roll;
4. Preparing the minutes of all meetings of the Board, including subgroup and working group activities;
5. Attending to official correspondence;
6. Maintaining official MRB records and filing all papers and submissions prepared for or by the MRB, including those items generated by subgroups and working groups;
7. Acting as the Board's agent to collect, validate, and pay all vouchers for pre-approved expenditures; and,
8. Preparing and handling all reports, including the annual report as required by FACA.

Where the DFO has determined in advance that discussions during a Board meeting will involve matters about which public disclosure would be harmful to the interests of the government, industry, or others, notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act (GISA), will be published in the *Federal Register* at least thirty (30) calendar days in advance of the meeting. The notice may announce the closing of all or part of a meeting. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussions, the chairperson will order such discussion to cease and will schedule it for closed session.

References:

www.mrb.fmcsa.dot.gov: See FACA brochure under FACA tab.

www.gsa.gov/faca: Federal Advisory Committee Act (FACA) management overview, provides basic summary information about FACA and Committee Management.