

## Enhanced Auditing of Medical Examiner Noncompliance in 2024

In January 2024, FMCSA will be enhancing its comprehensive medical examiner (ME) performance monitoring and auditing program. Part of this program will include an increase in the Agency's monitoring of MEs for compliance with the Federal Motor Carrier Safety Regulations (FMCSRs). There are 11 regulatory requirements that MEs must comply with as part of their certification with the National Registry. Failure to comply with the following regulatory requirements outlined in the FMCSRs may result in the removal of an ME from the National Registry:

1. Have a valid unexpired medical license listed in the ME's National Registry account
2. Provide records within 48 hours of request from FMCSA
3. Submit examination results by midnight (local time) of the next calendar day following the examination
4. Report when no examinations are performed during a given month
5. Complete 5-year periodic training no sooner than 4 years and no later than 5 years after the ME's certification credential was issued
6. Complete 10-year periodic training no sooner than 9 years and no later than 10 years after the ME's certification credential was issued
7. Pass the 10-year certification test no sooner than 9 years and no later than 10 years after the ME's certification credential was issued
8. Update information in the ME's National Registry profile within 30 days of a change
9. Complete assigned training by the date provided by FMCSA
10. Complete training resulting from an audit by the date provided by FMCSA
11. Correct errors received for CLP/CDL applicants/holders (NRII)

In 2024, FMCSA plans to begin taking action to remove MEs for noncompliance with all of these requirements but will start in January 2024 with MEs who have failed to complete the required 10-year periodic training and/or pass the 10-year certification test as the first certified MEs were due to complete these requirements by **December 31, 2023**.

For MEs who are required but have failed to complete the required 10-year periodic training and/or pass the 10-year certification test by **December 31, 2023**, a formal Notice of Proposed Removal (NOPR) from the National Registry of Certified Medical Examiners (National Registry) will be issued to them via the professional contact email address provided in their National Registry account. The NOPR will outline the reason for removal and provide specific details of correction action(s) that the ME must take to avoid removal from the National Registry. FMCSA stresses the importance of thoroughly reading and completing **ALL** required corrective actions to avoid removal.

**After** an NOPR has been issued, the ME will see a notification in their National Registry account that prompts them to take the following actions:

1. Acknowledge, through the ME's National Registry account, that they will take the corrective action(s) outlined in the NOPR or that they disagree with the NOPR. If the ME believes FMCSA has relied on an erroneous reason, in whole or in part, in proposing their removal from the National Registry, the ME can select the option to disagree with the NOPR but must explain the basis for their belief that FMCSA relied on an erroneous reason in proposing their removal for FMCSA to review and respond.

**PLEASE NOTE** that if the ME has not acknowledged that they will take corrective action(s) in their National Registry account as instructed in the NOPR, the ME will be removed 30 days from the date the NOPR was issued. If the ME acknowledges that they will take the corrective action(s) through the ME's National Registry account, the ME will have 60 days from the date the NOPR was issued to take corrective action(s) as specified in the

NOPR. An example of what the acknowledgement notification in the ME’s National Registry account may look like is provided below.

The screenshot displays the user interface for Philip Bailey (ID: 0000000082). On the left is a sidebar menu with options: My Profile, Designations, CMV Driver Medical Examinations, Medical Examiner Certification, User Guide and Videos, Technical Support Request Form, and Resource Center. The main content area features a pink notification banner titled "Acknowledgement to Take Corrective Action". The text in the banner states: "To acknowledge that I am willing to take the corrective action(s) outlined in the section titled, 'Corrective Action Required' of the 12/15/2023 issued Notice of Proposed Removal, for:" followed by a bullet point: "Failure to Pass 10-year Certification Test". Below this, it says "click here to confirm OR To disagree with the aforementioned Notice of Proposed Removal, click here". Underneath the notification is a section titled "My Tasks" with a search bar and a table. The table has columns for "Task Description", "Assignment Date", and "Due Date". The table is currently empty, displaying "No Assignments".

- Once the ME acknowledges that they will take the corrective action(s) outlined in the NOPR, they must complete all corrective actions (e.g., completing, entering details, and uploading proof of completion of the 10-year training into the ME’s National Registry account and/or passing the 10-year certification test).
- Once all corrective actions have been completed, the ME must log into their National Registry account where they will see a notification that they **must** respond to indicating that all corrective actions have been completed. An example of what the notification may look like is provided below.

**PLEASE NOTE** that this confirmation is a regulatory requirement and is outlined in the NOPR. MEs who fail to indicate completion of all corrective actions in their National Registry account as indicated in this step, will be removed from the National Registry and will no longer be authorized to perform physical qualification examinations of interstate commercial motor vehicle drivers at the end of the 60 days.

This screenshot shows the same user interface as the previous one, but with a different notification. The pink banner is titled "Acknowledge Completion of Corrective Action(s)". The text reads: "To confirm that you have completed the corrective actions listed in the 12/15/2023 Notice of Proposed Removal, click here". The "My Tasks" section remains the same, with an empty table showing "No Assignments".

If you receive an NOPR for failure to complete the required 10-year periodic training and/or pass the 10-year certification test by **December 31, 2023**, you should immediately take the steps outlined in this email and provided in the NOPR, to correct the issue(s) and avoid removal from the National Registry.

To assist MEs in understanding the 11 regulatory requirements listed above that must be met for continued listing on the National Registry, FMCSA will be posting an informational training webinar on the National Registry website in the coming months. MEs will be notified by email when it is available.