

**NATIONAL REGISTRY OF
CERTIFIED MEDICAL EXAMINERS**

PERIODIC TRAINING

**MODULE 3
FREQUENTLY ASKED QUESTIONS**

Periodic Training

Module 3

Frequently Asked Questions

Introduction

This module will provide you with answers to frequently asked questions, and information about how to handle special situations, such as when conducting examinations for international drivers.

Topic 3.1: Conducting Medical Qualification Examinations for Drivers Not Domiciled in or Not a Resident of the United States

There will be a knowledge check regarding the information covered in the topic so you can test your knowledge.

Drivers with a foreign license or no license

Certified Medical Examiners (MEs) may conduct a physical qualification examination on any driver that requests one.

It is not the responsibility of the ME to inquire about where an individual is domiciled in order to perform the examination and issue a Medical Examiner's Certificate, MCSA-5876.

For drivers with a foreign license or no license, the ME should verify the identity of the driver with a photo identification prior to conducting the examination, just as would be done for a U.S. driver.

International CDLs

A commercial driver's license can be issued by a State to an individual not domiciled in the State in certain specified circumstances. 49 U.S.C. 31311(a)(12)(B) and 49 CFR 383.23(b). Therefore, a certified ME does not need to know where an individual is domiciled in order to perform the examination and issue a Medical Examiner's Certificate, MCSA-5876.

It is the responsibility of the State Driver's Licensing Agency (SDLA) to inquire about the driver's domicile, and to determine whether to issue a standard commercial learner's permit (CLP)/commercial driver's license (CDL) or a non-domiciled CLP/CDL. 49 CFR 383.71(f) and 383.73(f).

State of domicile means that State where a person has his/her true, fixed, and permanent home and principal residence and to which he/she has the intention of returning whenever he/she is absent.

Examinations for drivers who do not speak English and/or bring an interpreter

Certified MEs are not required to certify to the level that a driver understands English.

However, MEs should only conduct examinations when they are confident that they can communicate with drivers to the level that allows for a thorough examination to be conducted.

As the signature authority on the Medical Examiner's Certificate, MCSA-5876, MEs can turn the driver away if the level of English is not proficient enough to conduct the examination. Therefore, if the certifying ME cannot obtain a complete medical history to appropriately proceed with conducting a physical qualification examination, with or without an interpreter, the ME should not conduct the examination.

Foreign drivers that require a Federal medical variance

Certified MEs may issue a Medical Examiner's Certificate, MCSA-5876, with the appropriate entry, to a foreign driver who requires a Federal medical exemption or SPE Certificate to be medically qualified.

When this occurs, the ME should tell the driver that FMCSA determines whether to issue a medical exemption or SPE Certificate and to contact FMCSA's Medical Programs Division for additional information.

Reporting CMV driver examination results to the National Registry

The Federal Motor Carrier Safety Regulations (FMCSRs) require MEs to submit to the National Registry, results of commercial motor vehicle (CMV) driver physical qualification examinations for each driver who is required to be examined by an ME listed on the National Registry. 49 CFR 391.43(g)(5)(i)(B).

Instructions for submitting physical qualification examination results for drivers not domiciled in or not a resident of the United States

If conducting an examination of a driver not domiciled in, or not a resident of the United States, enter "None" for the license number, and enter the State where the driver is going to be licensed.

If the driver is not going to apply for a commercial license in the U.S., the examination results do not need to be entered into the National Registry.

Although results of these exams are not uploaded into the National Registry, 49 CFR 390.111(a)(4) allows FMCSA to request the examination results when needed.

Topic 3.1: Knowledge Check

Question 1

A driver, Antoine Smith, comes to your office for an examination. Antoine lives in Canada and has a non-domiciled CDL. Which of the following are you responsible for verifying during his physical examination?

- a. His identity
- b. That he has established residency in the United States
- c. That he has obtained a temporary work visa
- d. None of the above

The correct answer is a. MEs should verify the identity of the driver with a photo ID, prior to conducting the examination, just as they would for a U.S. driver.

Topic 3.2: Frequently Asked Questions

Frequently Asked Questions

In this topic, there will be an overview of questions that FMCSA has received from MEs based on their experiences while conducting driver physical qualification examinations.

Correct answers are provided in bold text.

Alcoholism

Can an ME qualify a driver with a current diagnosis of alcoholism?

- a. Yes
- b. No**

The correct answer is b. no. The FMCSRs (49 CFR 391.43(b)(13) *Physical qualifications for drivers*) states that a driver is qualified if that driver “has no current clinical diagnosis of alcoholism.”

Blood Glucose

What are FMCSA’s mandatory parameters for blood glucose levels or HgbA1C for individuals with non-insulin treated diabetes and insulin-treated diabetes?

- a. Below 5%
- b. Between 7% and 9.5%
- c. None of the above**

The correct answer is c. None of the above. The FMCSA does not establish laboratory reference ranges including clinical threshold levels for blood glucose and HgbA1C. The Treating Clinician establishes individualized, clinically based parameters for blood glucose and HgbA1C levels and determines stable treatment regimen and properly controlled diabetes mellitus for their patients.

For individuals diagnosed with insulin-treated diabetes mellitus, certified MEs should consider the information concerning these levels provided by the driver’s Treating Clinician on the Insulin-Treated Diabetes Mellitus Assessment Form, MCSA-5870, during the medical certification process.

For individuals diagnosed with non-insulin-treated and insulin-treated diabetes mellitus, certified MEs are encouraged to utilize independent medical judgment in requesting additional and current medical information to sufficiently assist them in making a physical qualification determination and for how long to issue a Medical Examiner’s Certificate. An ME may consider the underlying systems and organs affected or symptoms caused to see if the condition would fall within one of the standards. For example, if a driver’s poorly controlled blood sugar levels frequently result in hypoglycemic episodes, the ME could consider §391.41(b)(8) and whether the condition is likely to cause loss of consciousness.

Cardiac Aneurysm

What are the certification guidelines regarding an aortic aneurysm?

- a. more than 4 cm
- b. less than 4 cm
- c. **None of the above**

The correct answer is c. None of the above. There is no mention of measurements that address aneurysm size in the regulations under 49 CFR 391.1(b). Anatomical reference ranges are not developed or regulated by the Agency.

The FMCSA relies on MEs to assess and certify whether a driver is physically qualified to operate a CMV in interstate commerce. The ME may consult with specialists and request additional evaluation to assist the ME in deciding whether a Medical Examiner's Certificate, Form MCSA-5876, can be issued. Certifying MEs consider the medical history of the driver, the driver's response to treatment, current medication regimen, the applicable regulations, current clinical best practices, and knowledge of the duties and responsibilities of commercial driving decide on a case-by-case basis whether the driver should be medically certified.

Diabetes

An individual with insulin-treated diabetes mellitus must be medically examined and certified no later than 60 days after the treating clinician signs and dates the Insulin-Treated Diabetes Mellitus Assessment Form, MCSA-5870, true or false?

- a. True
- b. **False**

The correct answer is b. False. At least annually, but no later than 45 days after the treating clinician signs and dates the Insulin-Treated Diabetes Mellitus Assessment Form, MCSA-5870, an individual with insulin-treated diabetes mellitus must be medically examined and certified by an ME in accordance with 49 CFR 391.43 and be free of complications that might impair his or her ability to operate a CMV safely.

Diabetic Neuropathy

Is diabetic neuropathy disqualifying?

- a. Yes
- b. No
- c. **Potentially**

The correct answer is c. potentially. Diabetic neuropathy is not mentioned by name in the FMCSRs. However, the ME can disqualify a driver if there is any condition that is of the extent to impair the driver's ability to operate a CMV.

For individuals with insulin-treated diabetes mellitus, certified MEs should consider the information regarding diabetes complications, including diabetic neuropathy, provided by Treating Clinician on the Insulin-Treated Diabetes Mellitus Assessment Form, MCSA-5870, during the medical certification process.

For individuals diagnosed with diabetes mellitus, certified MEs are encouraged to utilize independent medical judgment in requesting additional and current medical information to sufficiently assist them in making a physical qualification determination and for how long to issue a Medical Examiner's Certificate, Form MCSA-5876.

Glucose Levels

Is there an acceptable level of urine glucose for an individual with diabetes?

- a. Yes
- b. No**

The correct answer is b. The FMCSA does not establish clinical threshold levels for urine glucose levels. Significant abnormalities on the urinalysis should be commented on by the ME and should be evaluated further including follow-up with the treating clinician.

Marijuana

Is it an absolute disqualifier if an interstate CMV driver uses medical marijuana in a state where it is legal?

- a. Yes**
- b. No
- c. Potentially

The correct answer is a. Yes. The FMCSRs do not authorize Marijuana, including a mixture or preparation containing marijuana. It continues to be classified as a Schedule I controlled substance by the Drug Enforcement Administration (DEA) in 21 CFR § 1308.11. Under the FMCSRs, a person is not physically qualified to drive a CMV if he or she uses any Schedule I controlled substance such as marijuana. (See 49 CFR 391.11(b)(4) and 391.41(b)(12)). A driver who uses marijuana cannot be physically qualified even if marijuana is legal in the State where the driver resides for recreational, medicinal, or religious use.

In addition to the physical qualification requirements, the FMCSRs prohibit a driver from being in possession of or under the influence of any Schedule I controlled substance, including marijuana, while on duty, and prohibit motor carriers from permitting a driver to be on duty if he or she possesses, is under the influence of, or uses a Schedule I controlled substance. (See 49 CFR 392.2 and 392.4). Legalization of marijuana use by States and other jurisdictions also has not modified the application of U.S. Department of Transportation (DOT) drug testing regulations in 49 CFR parts 40 and 382.

MEs are not prohibited from conducting non-DOT drug/alcohol testing as a part of the medical certification process for persons who have admitted drug/ alcohol use to assist the ME with making a qualification determination.

Please note that the non-DOT drug and or alcohol testing process does not require the use of a certified Substance Abuse Professional (SAP) under the provisions of Part 40 or Part 382 of the FMCSRs.

Drivers may be required to provide documentation from a professional qualified to render a substance abuse evaluation or an opinion concerning successful treatment.

Examination

Is significant obesity in a driver a disqualifying factor?

- a. Yes
- b. No**

The correct answer is b. No. The physical qualification standards do not include any maximum or minimum height or weight. The ME should consider that height and weight factor as part of the overall driver's ability to perform his or her job functions safely.

Examination

Can an interstate CMV driver obtain a DOT physical qualification examination in any State in the United States?

- a. Yes**
- b. No

The correct answer is a. Yes. The SDLA must accept a Medical Examiner's Certificate, Form MCSA-5876, from any ME listed on the National Registry where the examination is conducted in the State(s) where the ME is licensed for a driver who is required to have an examination under 391.41(a)(1)(i).

Certified MEs listed on the National Registry are trained and certified in performing examinations on interstate CMV drivers according to the FMCSRs. However, MEs who choose to perform driver examinations for intrastate only drivers who are licensed in States that have variances from the FMCSRs are required to comply with State regulations and statutes for performing those examinations, to include being knowledgeable of State waivers. If examinations for intrastate only drivers are not conducted according to the State requirements, the SDLA may not accept the Medical Examiner's Certificate, Form MCSA-5876 issued and may require the driver to return to the ME or to get another examination.

Hearing

Can an ME certify a driver who can hear in only one ear?

- a. Yes**
- b. No

The correct answer is a. Yes. A driver must meet the hearing standard in the better ear.

Hearing

If a driver does not pass the forced whisper test, is that disqualifying?

- a. Yes**
- b. No

The correct answer is A. Yes. However, if a driver fails the whisper test, another test by an audiometric device may be administered under 49 CFR 391.41(b)(11). It is up to the ME whether to test with either the forced whisper testing technique, audiometric testing, or both.

Hearing

Can an ME accept an audiometry report from an outside source, or is it required that it is performed as part of the exam?

- a. Yes
- b. No

The correct answer is a yes. An ME can use an audiometry report from an outside source as long as the audiometric device that was used to perform the test is calibrated to meet the American National Standard (formally the ASA Standard) Z24.5-1951. The ME should record the audiometric test results on the Medical Examination Report Form, MCSA-5875, and indicate that the results were provided from an outside source.

HIPAA

Does the ME have to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) rules and regulations and obtain a medial release form from the driver before sharing the Medical Examination Report Form, MCSA-5875, with an entity outside of an authorized representative of FMCSA or an authorized Federal, State, or local enforcement agency representative?

- a. Yes
- b. No

The correct answer is a. Yes. The ME must comply with HIPAA regulations and any applicable State laws. However, there are many different situations when such protected health information may be disclosed without the consent of the individual being examined such as if a ME determines that disclosure of an individual's protected health information is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person and otherwise can satisfy the provisions of the HIPAA Privacy Rules. The Standards for Privacy of Individually Identifiable Health Information ("Privacy Rule") is issued by the U.S. Department of Health and Human Services (HHS). For official guidance on HIPAA regulations, please go to HHS guidance at: <http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html>.

Medications

Is there a list of prohibited medications?

- a. Yes
- b. No

The correct answer is b. No. The FMCSRs do not include a list of prohibited medications by name. However, MEs may disqualify a driver who takes any medication or combination of medications and substances that may impair or interfere with safe driving practices. All medications must be assessed to determine the potential risk of adverse side effects which include but are not limited to: dizziness, drowsiness, and sleepiness, and the direct impact the potential side effects have on CMV driving.

In addition, the ME may confer with the treating medical specialist(s) who is familiar with the driver's health history and may consider utilizing the optional 391.41 CMV Driver Medication Form, MCSA-

5895, to assist with obtaining information from the prescribing clinician(s). The 391.41 CMV Driver Medication Form, MCSA-5895, is for optional/voluntary use by the certified ME and can be found on the FMCSA Medical and the National Registry Resource Center webpages. The final physical qualification determination of the driver rests with the certifying ME.

Motor Carrier Requirements

Can a motor carrier have employment requirements that exceed the Federal regulations?

- a. **Yes**
- b. No

The correct answer is a. Yes. Motor carriers are permitted to have medical employment requirements that exceed those set by the U.S. DOT, but the motor carrier is not allowed to direct the ME in how to perform the physical qualification examination, direct the length of certification, or direct the ME to place any specific vehicle operating restrictions on the driver who is undergoing a physical qualification examination.

Motor Carrier Requirements

Can a motor carrier dictate or influence an ME's decision or ask for limitations on the Medical Examiner's Certificate, Form MCSA-5876?

- a. Yes
- b. Yes, but only in cases where the motor carrier believes the ME to have incorrectly qualified a driver
- c. **No**

The correct answer is c. no. FMCSA relies on the certifying ME to evaluate and determine whether a driver is physically qualified to operate a CMV in interstate commerce.

Automatically disqualifying conditions

Are multiple sclerosis (MS), peripheral vascular disease (PVD), cerebral palsy, rheumatoid arthritis, and dialysis automatically disqualifying?

- a. Yes
- b. **No**

The correct answer is b. No. MS, PVD, cerebral palsy, rheumatoid arthritis, and dialysis are not specifically identified in 49 CFR 391.41(b) as being automatically disqualifying. These are examples of various medical conditions that require a discretionary qualification determination by the certified ME as to whether the driver is medically qualified.

Obstructive Sleep Apnea

Are annual sleep studies required for drivers with Obstructive Sleep Apnea (OSA)?

- a. **Yes**

b. No

The correct answer is b. No. The FMCSRs do not include requirements for MEs to screen CMV drivers for OSA or provide requirements regarding whether to refer a driver for OSA testing.

OSA is one of several respiratory dysfunctions that may be detrimental to safe driving as it may interfere with driver alertness and cause loss of consciousness.

If an ME detects a respiratory dysfunction, with multiple risk factors that are likely to interfere with a driver's ability to operate a CMV, the driver may be referred to a specialist for further evaluation. A diagnosis of OSA does not preclude the issuance of a Medical Examiner's Certificate, Form MCSA-5876, by an ME. However, MEs are advised that drivers who have been diagnosed with moderate to severe OSA but fail to adhere to treatment for the condition should be disqualified.

In addition to current clinical best practices, for additional guidance on certification of drivers with moderate-to-severe OSA, one source MEs could consider is the November 21, 2016, OSA advisory recommendations. They are available at <https://www.fmcsa.dot.gov/advisory-committees/mrb/final-mrb-task-16-01-letter-report-mcsac-and-mrb>.

Seizure Medication

Is taking a medication such as Neurontin for a condition that is not seizure related, an absolute disqualifier?

- a. Yes
- b. No**

The correct answer is b. No. As long as the ME has consulted with the prescribing clinician and determined the driver has no history of seizure, or condition that is likely to cause loss of consciousness or any loss of ability to control a CMV. In the Driver Health History Review section of the Medical Examination Report Form, MCSA-5875, the ME should provide comments to indicate the diagnosis, alternate use, and that the prescribing clinician was consulted.

Smoker's age and Spirometry

After what age must a spirometry be performed for a driver who is a smoker?

- a. 40 years
- b. 45 years
- c. 50 years
- d. None of the above**

The correct answer is d. None of the above. The FMCSRs do not require mandatory pulmonary function (PFT) screening for interstate CMV who smoke, of a certain age in order to obtain a Medical Examiner's Certificate, Form MCSA-5876. The FMCSRs establish minimum physical qualification standards for interstate truck and bus drivers. The request for specific medical testing can be requested at the discretion of the certifying ME to assist with making a physical qualification determination.

Stress Tests

Is cardiac stress testing required?

- a. Yes
- b. No**

The correct answer is b. No. The FMCSRs do not require cardiac stress testing for interstate CMV drivers. The ME may consult with specialists and request additional evaluation to assist the ME in making a physical qualification determination. Certifying MEs consider the medical history of the driver, the driver's response to treatment, current medication regimen, the applicable regulations, current clinical best practices, and knowledge of the duties and responsibilities of commercial driving and decide on a case-by-case basis whether the driver should be medically certified to operate a CMV.

TIA/Stroke

Are specific waiting times required after a TIA or stroke?

- a. Yes
- b. No**

The correct answer is b. No. FMCSA does not regulate when a driver can return to work after experiencing a TIA or stroke. The certifying ME evaluates the status of the medical condition and determines if the driver is safe to operate a CMV. The ME may consult with specialists and request additional evaluation to assist the ME in making a physical qualification determination.

Vision

Is it appropriate to use colored folders in red, green, and amber to test color vision?

- a. Yes**
- b. No

The correct answer is a. Yes. The driver must meet the vision physical qualification standard that includes the ability of the driver to recognize red, green, and amber. It is up to the discretion of the ME how to determine the driver's ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

Vision

Is it appropriate for an ME to place an individual in a determination pending status in connection with the alternative vision physical qualification standard in 49 CFR 391.44?

- a. Yes
- b. No**

The correct answer is b. No. An ME should not place any individual in a determination pending status who fails the vision screening during a physical qualification examination. Instead, the ME should not qualify the driver. This applies to individuals who first learn they may not satisfy the vision standard during the examination, have a known vision deficiency that cannot be corrected, or need evaluation by

an ophthalmologist or optometrist to correct a refractive error. This also applies to new drivers, as well as those drivers who do not have a current Medical Examiner's Certificate, Form MCSA-5876. The ME should instruct the individual to see an ophthalmologist or optometrist to have a vision evaluation. When the ME believes it is likely that the individual may be physically qualified under the alternative vision standard in 49 CFR 391.44, the ME should instruct the individual to have the ophthalmologist or optometrist complete the Vision Evaluation Report, Form MCSA-5871. After the vision evaluation, the individual can obtain a new physical qualification examination.

An ME may place an individual in a determination pending status only when the individual already has completed a vision evaluation by an ophthalmologist or optometrist and provides a completed Vision Evaluation Report, MCSA-5871, to the ME. This status affords an individual up to 45 days to provide additional information from the ophthalmologist or optometrist to the ME and to complete the physical qualification examination.