

Physical Qualifications for Drivers

While the medical oversight of interstate truck drivers has been regulated for quite some time, as well as applied by states for some of their intrastate truck drivers, there is little oversight of non-commercial drivers. With the aging workforce, this issue is a growing concern. Organizations operating motor vehicles for their business needs should be concerned about the health of their drivers, whether regulated or non-regulated. This report discusses the current requirements for regulated drivers and addresses the need for a medical evaluation program for non-regulated operators of motor vehicles.

Introduction

The act of driving requires the proper orchestration of sensory/perceptual, cognitive, and motor activities to be performed successfully. Research has shown that certain medical conditions negatively affect one or more of these activities, thereby increasing the safety risk of drivers who suffer from them. The extent of the overall impact of medically impaired drivers is not known because of lack of data on the number of licensed drivers with high-risk medical conditions or on the number of accidents in which a driver's medical condition was a contributory factor.

While the medical oversight of interstate truck drivers has been regulated for quite some time, as well as applied by states for some of their intrastate truck drivers, there is little oversight of non-commercial drivers. With the aging workforce, this issue is a growing concern. To obtain a driver's license, a person needs to demonstrate visual acuity and typically self-reports medical conditions that the state has deemed a problem. Often, vision is not checked again for an extended

period of time (in some states every eight years) and little is done to supervise other medical impairments that are not self-reported by the driver or reported by the driver's physician.

Organizations operating motor vehicles for their business needs, whether regulated or non-regulated, should be concerned about the health of their drivers. The states do not currently have an effective or uniform system of medical oversight that protects public safety. This report discusses the current requirements for regulated drivers and addresses the need for a medical evaluation program for non-regulated operators of motor vehicles.

Regulated Drivers

Motor carriers subject to the Federal Motor Carrier Safety Regulations (FMCSR) are required to have their drivers pass a medical evaluation before driving a commercial motor vehicle (CMV) and be re-evaluated every two years. Many states have adopted the FMCSR requirements for certain classes of intrastate drivers.

Drivers must be medically examined and certified in accordance with the regulations. However, the regulations do not prevent a motor carrier from establishing policies that are more stringent than the safety regulations. When operating a CMV, the driver must have on his/her person the original, or a photographic copy, of a medical examiner's certificate indicating that he/she is physically qualified to drive a CMV.

FMCSR Physical Qualifications

The regulations currently specify that a driver is physically qualified to operate a commercial motor vehicle (CMV) if the driver:

- Has no loss of a foot, a leg, a hand, or an arm, or has been granted a skill performance evaluation certificate.
- Has no impairment of a hand or finger that interferes with prehension or power grasping, no impairment of an arm, foot, or leg that interferes with the ability to perform normal tasks associated with operating a CMV, or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a CMV, or has been granted a skill performance evaluation certificate.
- Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.
- Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure.
- Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a CMV safely.
- Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a CMV safely.
- Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a CMV safely.
- Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.
- Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a CMV safely.
- Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.
- First perceives a forced whispered voice in the better ear at not less than 5 ft. (1.5 m) with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz, with or without a hearing aid, when the audiometric device is calibrated to American National Standard Institute (formerly ASA Standard) Z24.5 - 1951.
- Does not use a controlled substance that is identified in 21 CFR 1308.11, Schedule I, an amphetamine, a narcotic, or any other habit-forming drug. (Exception: A driver may use such a substance or drug if the substance or drug is prescribed by a licensed medical practitioner who is familiar with the driver's medical history and assigned duties and has advised the driver that the prescribed substance or drug will not adversely affect the driver's ability to safely operate a CMV.)

- Has no current clinical diagnosis of alcoholism.

The Federal Motor Carrier Safety Administration (FMCSA) has a number of waiver and exemption programs that permit some drivers to be exempted from certain medical requirements. These programs currently include a skill performance waiver program (for drivers with loss or impairment of limbs), vision exemption program (for drivers with sight in only one eye), and diabetes exemption program (for insulin using diabetics).

Medical Examiners

The physical examination must be performed by a licensed medical examiner (i.e., a person who is licensed, certified, and/or registered, in accordance with applicable state laws and regulations, to perform physical examinations). The term includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. A licensed optometrist may perform the parts of the medical examination that pertain to visual acuity, field of vision, and the ability to recognize colors.

Medical examiners must be knowledgeable of the specific physical and mental demands associated with operating a CMV and the medical requirements of the FMCSR, including the medical regulatory criteria prepared by the FMCSA as guidelines to aid the medical examiner in making the qualification determination, and be proficient in the use of the medical protocols necessary to adequately perform the required medical examination.

Any driver authorized to operate a CMV within an exempt intracity zone must furnish the examining medical examiner with a copy of the medical findings that led to the

issuance of the first certificate of medical examination that allowed the driver to operate a CMV wholly within an exempt intracity zone. Exempt intracity zones are typically the area surrounding large cities and are defined in Appendix F of the FMCSR.

The medical examination must be performed, and its results must be recorded, substantially in accordance with the FMCSA's instructions and examination form, entitled "Medical Examination Report for Commercial Driver Fitness Determination," which is available from the FMCSA's website at <http://www.fmcsa.dot.gov/documents/safetyprograms/Medical-Report.pdf>.

Vision and Diabetes Exemption Program

Exemptions from the vision or diabetes requirements are granted on a very limited basis and the drivers receiving an exemption are required to show that granting of the exemption will likely achieve a level of highway safety equivalent to, or greater than, the level if no exemption were required. Because of the additional risk, drivers requesting exemptions are held to a higher standard regarding accident involvement and traffic violations than a driver who meets the normal physical criteria. Exemptions are issued for a maximum of two years, but may be renewed at the option of the FMCSA.

Any driver operating under a limited exemption from the vision or diabetes requirements must furnish the medical examiner with a copy of the required annual medical findings of the endocrinologist, ophthalmologist, or optometrist. If the medical examiner finds the driver qualified under the limited exemption, such fact shall be noted on the Medical Examiner's Certificate. Drivers in these programs must be medically examined at least annually.

Details of the FMCSA driver exemption programs for diabetes and vision can be obtained from the FMCSA's website at <http://www.fmcsa.dot.gov/rules-regulations/topics/medical/exemptions.htm>.

Medical Examiner's Certificate

If the medical examiner finds that the person he/she examined is physically qualified to drive a CMV, the medical examiner must complete a medical examiner's certificate, that is substantially in accordance with FMCSA's form, and furnish one copy to the person who was examined and one copy to the motor carrier that employs the person. The certificate is entitled the "Medical Examiner's Certificate" and is available from the FMCSA's website at http://www.fmcsa.dot.gov/factsfigs/eta/120xdt/Part_391supportfiles/651FSL2.pdf.

Non-Regulated Drivers

Companies operating non-commercial motor vehicle fleets (e.g., sales, local pick-up and delivery, intrastate [non-regulated]) should consider the physical qualifications of their drivers, since all operators of motor vehicles need to be physically and mentally capable of performing required driving tasks to assure their own safety, as well as that of the general public. Physicians generally are not required to report health conditions that might affect a person's ability to drive, to regulatory agencies. As a result, individual drivers of non-commercial vehicles are left to decide if their medical condition is serious enough to curtail their driving.

Companies should assure that their drivers meet at least minimum physical requirements to avoid unnecessary liability resulting from vehicle crashes. Ideally, the physical

requirements should be outlined in the driver's job description (e.g., needs to frequently lift and carry boxes weighing up to 50 pounds). The physical fitness of the driver should be considered before hiring, but only after the driver has been offered a job. A company should arrange for physical examinations with individual physicians or industrial clinics. The company should provide the medical examiner with an outline of the requirements of the job, so that it can be determined whether the applicant is qualified for the position. In addition to checking a driver's physical condition before hiring, periodic physical examinations should be required and arranged for by the company. Reexaminations may indicate the onset of a problem and, therefore, allow appropriate corrective measures to be taken.

Guidelines for Physical Requirements

A company should never assume a person's driver's license equates to a well-qualified, healthy driver. As detailed above in this report, in the section Regulated Drivers, the FMCSR prescribes minimum physical requirements for regulated commercial drivers and requires a physical examination every two years. These minimum requirements can be evaluated for criteria that can be used by the non-commercial operator as well.

Any physical requirements must relate to the job performed and be applied equally to all drivers. In addition, as required by the American with Disabilities Act (ADA), physical qualifications must be carefully considered to avoid discriminating against a qualified, but disabled applicant/employee. The employer must determine if the driver will pose a "direct threat" to health or safety as a result of a physical condition, and must

also consider if the physical problem could be eliminated or reduced below the level of a “direct threat” by reasonable accommodation.

Firms should check with legal counsel before establishing a physical qualification program. While federally mandated physical standards for truck drivers do not appear to be preempted by the ADA’s regulations, state (even when adopting the federal requirements) and individual company requirements might be subjected to closer scrutiny to assure that they do not discriminate against the disabled. Qualified industrial medical clinics should be familiar with the FMCSR and be able to help craft appropriate physical criteria for drivers to meet the needs of the company.

Of particular issue are the waiver and exemption programs that FMCSA is currently running. If the driver can show the ability to operate the vehicle

safely, it should not affect their qualification to operate a vehicle for the company. For insulin-treated diabetics and drivers with vision in only one eye, applying the same criteria that the FMCSA uses in their exemption program would seem reasonable.

References

1. *Federal Motor Carrier Safety Regulations*, 49 CFR 391. U.S. Department of Transportation. May 17, 2006. <http://www.fmcsa.dot.gov/regulations/title49/part/391>.

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