



Obstructive Sleep Apnea and Commercial Driver Medical Qualification August 2014



There are many misconceptions circulating among the medical examiner community regarding obligated testing of commercial motor vehicle drivers for obstructive sleep apnea (OSA). Misinformation and the misapplication of federal standards have caused widespread concern over the inconsistent practices of certified medical examiners. Moreover, motor carrier fleets are experiencing drivers within their fleet being held to different medical standards for testing and treatment of OSA.

The Federal Motor Carrier Safety Administration (FMCSA) has clearly divided the medical criteria for commercial motor vehicles into two categories: Physical Qualification Standards and Advisory Criteria/Guidance. Physical qualifications standards refers to requirements delineated in the Federal Motor Carrier Safety Regulations. These are legal requirements for interstate commercial motor vehicle drivers, vehicles and motor carriers. The Medical Examiner’s Handbook, the primary reference tool for certified medical examiners highlights the difference between the two:

“As a medical examiner, it is important for you to distinguish between medical standards and medical guidelines. Regulations/standards are laws and must be followed. Whereas guidelines, such as advisory criteria and medical conference reports, are recommendations. While not law, the guidelines are intended as best practices for medical examiners.” – Pg. 51

It goes on to indicate that “this Medical Examiner Handbook will be updated as new standards and guidelines are approved by FMCSA.” (Pg. 52)

What the *regulations* say about OSA:

The regulation that addresses obstructive sleep apnea is found in 49 C.F.R. 391.41(b)(5) and reads:

“[A person is physically qualified to drive a commercial motor vehicle if that person] has no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely.”

What the Medical Examiner’s Handbook says:

The Medical Examiner’s Handbook provides a detailed overview of respiratory conditions that may interfere with oxygen exchange and pose a potential safety risk and the medical examiners responsibility to assess respiratory function.

“As the medical examiner, your fundamental obligation during the respiratory assessment is to establish whether a driver has a respiratory disease or disorder that increases the *risk for sudden death or incapacitation*, thus endangering public safety.” (emphasis added) – Pg. 118

The medical examiner handbook does list obstructive sleep apnea as an example of respiratory condition that may inhibit oxygen exchange. However, the health history portion of the required Medical Examination Report contains a question seeking to uncover sleep disorders.

What the Medical Examiner's Handbook does not say:

As referenced above, the Medical Examiner's Handbook is appropriately divided into sections outlining medical standards and others detailing advisory criteria/guidance. Each of the twelve physical qualification standards outlined in the regulations (49 C.F.R 391.41(b)(1-12)) contain comprehensive discussions of the appropriate standards and detailed treatment of the associated advisory criteria/guidance. The advisory criteria/guidance sections highlight specific medical conditions, as approved by FMCSA, to be considered.

The advisory criteria/guidance portion provides a thorough review of relevant medical conditions and discusses applicable waiting periods, and recommendations of whether or not to certify a driver and for how long. There is no advisory criteria specifically for OSA.

Misconceptions:

Many certified medical examiners are operating under the false pretense that drivers who exhibit specific risk factors (e.g. BMI >35kg/m² or large neck circumference) must undergo a sleep study for OSA before they can be certified. While BMI and neck size may be indicators, there are many factors that may put a driver at risk for OSA and they should be viewed collectively.

There are several organizations misleading medical examiners by contending that sleep testing of all drivers is a regulatory requirement. The American Trucking Associations has fielded many inquiries from concerned individuals and organizations seeking clarification about what they understand to be new Department of Transportation regulations. To be clear, no such regulations or even advisory criteria specifically on OSA exist.

It is the responsibility of the certified medical examiner to use his or her best judgment to certify that a driver is medical qualified to perform the functions of a professional truck driver. An examiner may be, at times, justified in requiring additional testing to rule out sleep disorders. It is not however, a regulatory requirement to test every driver who exhibits a single risk fact (e.g. high BMI).

Resources:

Physical Qualification Standards: <http://www.fmcsa.dot.gov/regulations/title49/section/391.41>

Medical Examiners Handbook:

<http://nrcme.fmcsa.dot.gov/documents/FMCSAMedicalExaminerHandbook-2014MAR18.pdf>

For more information, ATA members may contact P. Sean Garney at sgarney@trucking.org

