

## DOT Health and Safety Guidelines

The Department of Transportation, Federal Motor Safety Administration (FMCSA) recently proposed updates to existing guidelines regarding compliance with medical fitness standards related directly and indirectly to respiratory dysfunctions, including sleep apnea.

Physical qualifications, related to respiratory dysfunction for drivers, state that "a person is physically qualified to drive a commercial motor vehicle (CMV) if that person has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy."<sup>3</sup>

(3) [FMCSA Rules and Regulations Section 391.41](#)

### Summary of Proposed Federal Motor Safety Administration Guidelines

#### **A Medical Expert Panel (MEP) made 14 recommendations:**

- 1 through 7: recommend screening, testing, treatment and compliance protocol for OSA
- 8 through 12: provide recommendations regarding alternate therapies for treatment of OSA
- 13: offer education recommendations for OSA and associated co-morbidities
- 14: list sleep concerns, other than OSA, for which MEP should draft recommendations

#### **The following is a summary of a few of the recommendations:**

An individual with a diagnosis of Obstructive Sleep Apnea may be certified to drive a CMV if that individual meets the following criteria:

- has untreated OSA with an apnea-hypopnea index (AHI)  $\leq 20$ , and
- has no daytime sleepiness, or
- has OSA that is being effectively treated

#### **Drivers should be disqualified immediately or denied certification if they:**

- report that they have experienced excessive sleepiness while driving or have experienced a crash associated with falling asleep, or
  - have an AHI greater than 20, until adherent to Positive Airway Pressure (PAP).
- o They can be conditionally certified based on the criteria for Continuous Positive Airway Pressure (CPAP) compliance as outlined in Guideline 3; or
- have been found to be non-compliant with their CPAP treatment at any point, or
  - have a BMI > than 33 kg/m<sup>2</sup> (pending evaluation by a sleep study)
- individuals recently diagnosed with OSA may be conditionally certified for one month during which time they will be started on CPAP therapy:
- o Compliance should be monitored and assessed during scheduled intervals
- o Certification should depend on proof of continued compliance with treatment
- o Compliance = minimum 4 hours per night, 70% of nights
- preferred method of diagnosis is polysomnography (PSG)
  - PAP is the preferred method of therapy

- individuals with OSA who are treated with PAP must demonstrate compliance with treatment and this must be documented objectively
- individuals who meet the criteria for certification should be provided with education on: the importance of sleep, lifestyle changes, importance of treatment compliance and consequences of untreated Obstructive Sleep Apnea

### **FMCSA Sleep Apnea Standards**

Driving requires you to be attentive and alert at all times. Yet there are no regulations saying a commercial driver must be screened for sleep disorders, which can impact his or her ability to react on the road, more or less stay awake. We are frequently asked about FMCSA guidelines and recommendations concerning FMCSA sleep apnea standards. At this time, the FMCSA Advisory Criteria which are recommendations for medical examiners to use in determining physical qualifications for commercial driving include the following concerning respiratory dysfunctions.

#### **FMCSA391.41(b)(5)**

“A person is physically qualified to drive a commercial motor vehicle if that person:

Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to control and drive a commercial motor vehicle safely

Since a driver must be alert at all times, any change in his or her mental state is in direct conflict with highway safety. Even the slightest impairment in respiratory function under emergency conditions (when greater oxygen supply is necessary for performance) may be detrimental to safe driving.

If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy.