



## Summary of FMCSA's Insulin-Treated Diabetes Mellitus Final Rule October 2018



**Introduction:** On September 19, 2018 the Federal Motor Carrier Safety Administration released modifications to driver qualification standards for diabetes. The final rule allows drivers that have stable and properly controlled insulin-treated diabetes mellitus (ITDM) to be qualified to operate commercial motor vehicles (CMVs) in interstate commerce without an exemption or waiver.

**Background:** In 1971, FHWA established the initial standards for driver qualifications. These standards prohibited individuals with an established medical history or clinical diagnosis of diabetes mellitus requiring insulin for control from operating in interstate commerce. Beginning in 1993, CMV drivers with ITDM had the opportunity to apply to FHWA for a waiver until a 1994 Federal court decision invalidated the waiver program.

In 1998, the Transportation Equity Act for the 21st Century directed the FHWA to determine the feasibility of developing “a practicable and cost-effective screening, operating and monitoring protocol” for allowing drivers with ITDM to operate. By July 2000, FMCSA submitted a report to Congress that concluded it was feasible to establish a safe and practicable protocol containing three components: (1) Screening of qualified ITDM commercial drivers, (2) establishing operational requirements to ensure proper disease management by such drivers, and (3) monitoring safe driving behavior and proper disease management.

As a result of the report, on September 3, 2003, FMCSA published a notice to issue exemptions from the FMCSRs allowing drivers with ITDM to operate CMVs in interstate commerce. In 2005, Congress authorized the creation of the Medical Review Board (MRB) to provide medical advice and recommendations on qualification standards. The MRB published an evidence-based report concerning commerce drivers with ITDM in 2006 and updated the report in 2010. On May 4, 2015, FMCSA published an NPRM revising the driver qualification standards for individuals with ITDM.

**The Details:** The final rule, published on September 19, 2018, revised the FMCSRs to permit individuals with ITDM to be qualified to operate CMVs in interstate commerce. This rule allows certified medical examiners (MEs) to grant ITDM individuals a medical examiner certificate (MEC), for up to 12 months. To be certified, an individual with ITDM must provide an ITDM Assessment Form, from their treating clinician (TC) to a certified ME within 45 days, indicating that they maintain a stable insulin regimen and proper control of their diabetes. Upon receipt of a valid form, the certified ME will perform an examination, consider the information provided by the TC, and determine whether the individual meets FMCSA's physical driver qualifications.

If an ITDM individual has a severe hypoglycemic episode, the individual is prohibited from operating a CMV and must report the episode to and be evaluated by a TC as soon as is reasonably practicable. Under the rule, a severe hypoglycemic episode is defined as “one requiring the assistance of other, or resulting in loss of consciousness, seizure, or coma.” Additionally, ITDM individuals who have been diagnosed with severe non-proliferative diabetic retinopathy or proliferative diabetic retinopathy are disqualified permanently from operating.

Finally, ITDM individuals currently certified under the diabetes grandfather provision in 391.64(a) will have one year after the effective date to comply with the provision in the final rule. During that year, grandfathered individuals may elect to seek medical certification through the provisions of the final rule or 391.64. However, after one year all grandfathered MECs will become void.

The rule goes into effect on November 19, 2018. However, the drivers operating under grandfathered waivers in §391.64(a) must comply with this final rule by November 19, 2019.

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