

## **SEC. 4116. MEDICAL PROGRAM.**

*(a) In General- Subchapter III of chapter 311 of title 49, United States Code, is amended by adding at the end the following:*

### **Sec. 31149. Medical program**

*(a) Medical Review Board-*

*(1) ESTABLISHMENT AND FUNCTION- The Secretary of Transportation shall establish a Medical Review Board to provide the Federal Motor Carrier Safety Administration with medical advice and recommendations on medical standards and guidelines for the physical qualifications of operators of commercial motor vehicles, medical examiner education, and medical research.*

*(2) COMPOSITION- The Medical Review Board shall be appointed by the Secretary and shall consist of 5 members selected from medical institutions and private practice. The membership shall reflect expertise in a variety of medical specialties relevant to the driver fitness requirements of the Federal Motor Carrier Safety Administration.*

*(b) Chief Medical Examiner- The Secretary shall appoint a chief medical examiner who shall be an employee of the Federal Motor Carrier Safety Administration and who shall hold a position under section 3104 of title 5, United States Code, relating to employment of specially qualified scientific and professional personnel, and shall be paid under section 5376 of title 5, United States Code, relating to pay for certain senior-level positions.*

*(c) Medical Standards and Requirements-*

*(1) IN GENERAL- The Secretary, with the advice of the Medical Review Board and the chief medical examiner, shall--*

*(A) establish, review, and revise--*

*\(i) medical standards for operators of commercial motor vehicles that will ensure that the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles safely;*

*\(ii) requirements for periodic physical examinations of such operators performed by medical examiners who have, at a minimum, self-certified that they have completed training in physical and medical examination standards and are listed on a national registry maintained by the Department of Transportation; and*

*(B) require each such operator to have a current valid medical certificate;*

*(C) conduct periodic reviews of a select number of medical examiners on the national registry to ensure that proper examinations of such operators are being conducted;*

*(D) develop, as appropriate, specific courses and materials for medical examiners listed in the national registry established under this section, and require those medical examiners to, at a minimum, self-certify that they have completed specific training, including refresher courses, to be listed in the registry;*

*(E) require medical examiners to transmit the name of the applicant and numerical identifier, as determined by the Administrator of the Federal Motor Carrier Safety Administration, for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, electronically to the chief medical examiner on monthly basis; and*

*(F) periodically review a representative sample of the medical examination reports associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification.*

*(2) MONITORING PERFORMANCE- The Secretary shall investigate patterns of errors or improper certification by a medical examiner. If the Secretary finds that a medical examiner has issued a medical certificate to an operator of a commercial motor vehicle who fails to meet the applicable standards at the time of the examination or that a medical examiner has falsely claimed to have completed training in physical and medical examination standards as required by this section, the Secretary may remove such medical examiner from the registry and may void the medical certificate of the applicant or holder.*

*(d) National Registry of Medical Examiners- The Secretary, acting through the Federal Motor Carrier Safety Administration--*

*(1) shall establish and maintain a current national registry of medical examiners who are qualified to perform examinations and issue medical certificates;*

*(2) shall remove from the registry the name of any medical examiner that fails to meet or maintain the qualifications established by the Secretary for being listed in the registry or otherwise does not meet the requirements of this section or regulation issued under this section;*

*(3) shall accept as valid only medical certificates issued by persons on the national registry of medical examiners; and*

*(4) may make participation of medical examiners in the national registry voluntary if such a change will enhance the safety of operators of commercial motor vehicles.*

*(e) Regulations- The Secretary such regulations as may be necessary to carry out this section.'*

*(b) Medical Examiners- Section 31136(a)(3) of such title is amended to read as follows:*

*(3) the physical condition of operators of commercial motor vehicles is adequate to enable them to operate the vehicles*

*safely and the periodic physical examinations required of such operators are performed by medical examiners who have received training in physical and medical examination standards and, after the national registry maintained by the Department of Transportation under section 31149(d) is established, are listed on such registry; and'.*

*(c) Definition of Medical Examiner- Section 31132 of such title is amended--*

*(1) by redesignating paragraphs (6) through (10) as paragraphs (7) through (11), respectively; and*

*(2) by inserting after paragraph (5) the following:*

*(6) 'medical examiner' means an individual licensed, certified, or registered in accordance with regulations issued by the Federal Motor Carrier Safety Administration as a medical examiner.'*

*(d) Funding- Amounts made available pursuant to section 31104(i) of title 49, United States Code, shall be used by the Secretary to carry out section 31149 of title 49, United States Code.*

*(e) Clerical Amendment- The analysis for such subchapter is amended by inserting after the item relating to section 31148 the following:*

**31149. Medical program.**

*(f) Effective Date- The amendment made by subsection (a) shall take effect on the 365th day following the date of enactment of this Act.*

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