

**Gallagher Sharp Trucking Newsflash:  
Insulin-Using Drivers No Longer Required to  
Maintain Exemption Under FMCSR**

*By Attorneys Joe Pappalardo and Chris Razek*

On February 21st, 2019, the Federal Motor Carrier Safety Administration eliminated the lengthy and burdensome process of applying for and maintaining an exemption for medical certification for insulin-dependent truck and bus drivers.

According to the Federal Motor Carrier Safety Regulations (“FMCSR”), all drivers in interstate commerce must be physically qualified to operate a commercial motor vehicle. Physical qualifications for drivers are found in the FMCSRS at Section 391.41-391.49. For all but four of the standard in these regulations, the judgment by a medical examiner, who is knowledgeable about the driver’s functions and whether a particular condition would interfere with the driver’s ability to operate a commercial motor vehicle safely, was sufficient for a driver to meet the physical qualification. The four standards that eliminate any discretion to the medical examiner, and thus required an exemption from the FMCSA are vision, hearing, epilepsy, and, until February 21st, insulin-using diabetes.

Prior to February 21st, an insulin-dependent truck and bus driver was required to apply for an exemption from this standard in order to legally operate a commercial motor vehicle. The most onerous aspect of the exemption process was the lost income from the two-to-three month waiting period, wherein diabetic drivers could not operate commercial motor vehicles. The FMCSA estimates that the end of this exemption program will save roughly 5,000 individuals more than \$5 million per year, as well as saving their associated motor carriers approximately \$215,000 annually “in opportunity and compliance costs related with the exemption program’s waiting period.”

The end of this exemption program for diabetic drivers places the authority to approve an insulin-treated individual for a medical certification in the hands of certified medical examiners, in consultation with a driver’s treating clinician. Thus, these agency-certified examiners must know how many times per day the driver tests his blood glucose, whether the driver has experienced any severe hypoglycemic episodes in the past three months, and if the driver has taken a Hemoglobin measurement test over the past 12 months.

This announcement from the FMCSA makes the medical certification process for commercial drivers with insulin-using diabetes more streamlined and efficient. Those drivers who already



Newsflash  
February 25, 2019

possess a medical card will need to renew their cards under the new regime. For drivers who suffer from epilepsy, hearing, or vision disorders, the exemption process will remain in effect.

If you have any questions, contact:

Joseph W. Pappalardo, Partner  
**Gallagher Sharp LLP**  
Sixth Floor, Bulkley Building  
1501 Euclid Avenue  
Cleveland, Ohio 44115  
(216) 522-1320  
[jpappalardo@gallaghersharp.com](mailto:jpappalardo@gallaghersharp.com)  
[www.gallaghersharp.com](http://www.gallaghersharp.com)