

**From:** Joe Pappalardo  
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**Gallagher Sharp Newsflash: FMCSA Decides Not To Move Forward With Additional Sleep Apnea Testing**

Last year, we reported that the Federal Motor Carrier Safety Administration's ("FMCSA") medical review board recommended that drivers meeting certain criteria pertaining to symptoms of obstructive sleep apnea should have to undergo diagnostic sleep studies before medical examiners would certify them for interstate driving. The sleep studies recommended by the FMCSA's review board would have resulted in trucking companies being responsible for expending significant costs in order to ensure that their drivers are medically cleared for interstate driving.

The FMCSA, however recently withdrew its support for advanced notice of proposed rulemaking covering testing and treatment for truck drivers with sleep apnea. Though the FMCSA and National Transportation Safety Board ("NTSB") have routinely recommended additional screening for truck drivers exhibiting symptoms of sleep apnea, there is currently no plan to move forward with the sleep studies recommended by the FMCSA last year. Whether a truck driver is cleared to drive continues to be left up to the medical examiner. The Agency is considering expanding its instructions to Medical Examiners regarding appropriate screening for the condition.

The Federal Railroad Administration (FRA) also announced that it would not move forward with sleep apnea rulemaking regarding rail transportation employees.

This action is not unexpected given the announced policy of the Trump Administration regarding limiting regulations.

We will continue to monitor this very important issue. If you have any questions, contact:

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