



U.S. Department  
of Transportation

**Federal Motor Carrier  
Safety Administration**

**Administrator**

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 23, 2014

The Honorable Larry Bucshon, M.D.  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Bucshon:

Thank you for your letter, cosigned by Congressman Daniel Lipinski, concerning obstructive sleep apnea (OSA) and Public Law 113-45, which prohibits the Federal Motor Carrier Safety Administration (FMCSA) from issuing new requirements concerning OSA outside of a notice-and-comment rulemaking proceeding.

You expressed concern that vendors providing training for healthcare professionals interested in being included on FMCSA's National Registry of Certified Medical Examiners (National Registry) are presenting certain information about OSA. Your letter included an example of training materials that provide instructions to medical examiners on OSA.

FMCSA's current interpretive guidance concerning OSA was issued on October 5, 2000, as part of a set of advisory criteria for medical examiners to use in making the individual determination whether a driver meets the physical qualifications standards. Based on the advisory criteria, a medical examiner should refer the driver to a specialist for evaluation and treatment if the examiner detects a respiratory dysfunction, such as moderate-to-severe OSA, that is likely to interfere with the driver's ability to safely control and drive a commercial motor vehicle.

With regard to your specific questions regarding training requirements for the National Registry program, the Agency provides a list of topics that private sector training organizations must cover in their courses. Our regulations do not prohibit training organizations from presenting more information about OSA than the Agency provided in its October 2000 advisory criteria. The Agency neither reviews nor approves training materials or programs.

To better communicate information on OSA, FMCSA will issue a bulletin to all the healthcare professionals on the National Registry and the training organizations to clarify that the current Federal regulations and associated advisory criteria do not provide guidance for screening and testing drivers for moderate-to-severe OSA. FMCSA will encourage medical examiners to explain to drivers the difference between actions based on the current regulations and advisory criteria versus actions based on the medical examiners' professional judgment.

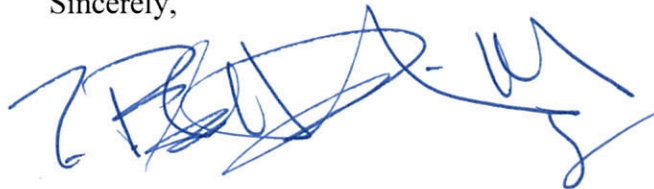
With regard the status of FMCSA's consideration of an OSA rulemaking, we anticipate publishing a notice later this year requesting information to help estimate the potential costs and safety benefits of such a rulemaking.

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The Honorable Larry Bucshon

I hope this information is helpful in addressing your concerns. A similar letter has been sent to Congressman Lipinski. If you or members of your staff need additional information or assistance, please contact Trevor Dean, Director for Governmental Affairs, (202) 366-1927 or via email at [trevor.dean@dot.gov](mailto:trevor.dean@dot.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "T. F. Scott Darling, III". The signature is stylized and somewhat cursive, with a large initial "T" and "F" and a distinct "D" and "I" at the end.

T. F. Scott Darling, III  
Acting Administrator