



# U.S. Department of Transportation Privacy Impact Assessment (Update)

## Federal Motor Carriers Safety Administration (FMCSA) National Registry of Certified Medical Examiners (National Registry) and the Medical Examiner's Certification Integration

### Responsible Official

Charles A. Horan III  
Director, Office of Carrier, Driver, and Vehicle Safety Standards  
Federal Motor Carrier Safety Administration  
202-366-4001  
[fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov)

### Reviewing Official

Claire W. Barrett  
Chief Privacy & Information Asset Officer  
Office of the Chief Information Officer  
[privacy@dot.gov](mailto:privacy@dot.gov)

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**X** Claire W. Barrett

Claire W. Barrett  
DOT Chief Privacy & Information Asset Officer  
Signed by: OSTHQ



## Executive Summary

The National Registry of Certified Medical Examiners (National Registry) was developed and implemented under the authority of Section 4116(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (codified at 49 U.S.C. § 31149) and is managed and maintained by the Federal Motor Carrier Safety Administration (FMCSA). The Federal Motor Carrier Safety Regulations (FMCSRs) require that commercial motor vehicle (CMV)<sup>1</sup> drivers comply with physical qualification requirements and be examined and certified by a medical examiner (ME) at least once every two years. The National Registry ensures that MEs who perform Department of Transportation (DOT) driver medical examinations are properly trained and certified by FMCSA to do so. The National Registry maintains personally identifiable information (PII) for each ME candidate applying for ME certification, ME's administrative assistants and third parties who are registering on the National Registry, and of CMV drivers examined by a certified ME. FMCSA published a final rule on April 20, 2012 (77 FR 73129), to establish and maintain a National Registry of Certified Medical Examiners. FMCSA posted a Privacy Impact Assessment (PIA) of the final rule on the DOT privacy program website on August 20, 2012<sup>2</sup>.

FMCSA published the Medical Examiner's Certification Integration Notice of Proposed Rulemaking (NPRM) on May 10, 2013 (78 FR 24104), a follow-on rule to the National Registry final rule. FMCSA posted a PIA in support of the proposed rule in the docket on July 2, 2013<sup>3</sup>.

## Reason for the PIA Update

This PIA is being published as an update to the previous National Registry PIA (July 2, 2013) and in support of the Medical Examiner's Certification Integration final rule published on April 23, 2015 (80 FR 22790)<sup>4</sup>. This revised PIA codifies the changes that have been made under the final rule.

As a result of the Medical Examiner's Certification Integration final rule, the Department has expanded the purpose of its information collection activities to allow the most current information about the medical status of CDL drivers to be available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC, Form MCSA-5876 (see Medical Certification Forms section for a detailed explanation), and the medical variance information to include the issued and expiration dates. The changes that are being codified and are the main focus of this PIA update include edits to the Medical Examination Report (MER) Form, MCSA-5875, reporting requirements, identification of the Commercial Driver's License Information System (CDLIS) as the system that will be used to electronically transmit information to the SDLAs, transmission of MEC

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<sup>1</sup> § 390.5 Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle: (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

<sup>2</sup> <http://www.dot.gov/individuals/privacy/pia-national-registry-certified-medical-examiners-national-registry>

<sup>3</sup> <http://www.dot.gov/individuals/privacy/pia-national-registry-certified-medical-examiners-national-registry-updated>

<sup>4</sup> <http://www.gpo.gov/fdsys/pkg/FR-2015-04-23/pdf/2015-09053.pdf>

information from examinations performed in accordance with the FMCSRs with any applicable State variances, and the records retention schedule.

## Privacy Impact Assessment

*The Privacy Act of 1974 articulates concepts for how the Federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.<sup>5</sup>*

*Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:*

*Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*

- *Accountability for privacy issues;*
- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

*Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.*

## FMCSA Background Information

The primary mission of FMCSA is to reduce crashes, injuries, and fatalities involving large trucks and buses. This mission is accomplished by developing and enforcing data-driven regulations that balance motor carrier safety with industry efficiency; utilizing Federal and State safety information systems to focus on high-risk carriers and drivers to enforce safety regulations; targeting educational messages to carriers, CMV drivers, and the public; and partnering with stakeholders (e.g., Federal, State, and local enforcement agencies; the motor carrier industry; safety groups; and organized labor) to reduce bus- and truck-related crashes.

With limited exceptions, all drivers who operate CMVs, as defined in 49 CFR 390.5, in interstate commerce must comply with the qualification requirements of 49 CFR Part 391. Each driver subject to the physical qualification requirements must be examined and certified by a medical examiner, as defined in § 390.5, at least once every two years. For certain drivers, such as those with severe cases of hypertension or other acute medical conditions, more frequent medical re-examination by a ME may be required to determine whether the driver can still be certified.

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<sup>5</sup> Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).

## National Registry of Certified Medical Examiners Overview

The National Registry of Certified Medical Examiners final rule established the framework for the National Registry, which includes a national database of names and contact information for MEs certified by FMCSA to perform CMV driver medical examinations. The National Registry supports the enrollment of trained, certified MEs who fully understand the medical standards in the FMCSRs, related guidance and how they relate to the medical demands of operating a CMV. The MEs must demonstrate an understanding of the physical qualifications standards in the FMCSRs and how to apply those standards in a uniform and consistent manner when making the determination whether an individual meets the standards. MEs are required to successfully complete training and pass a certification test before being listed on the National Registry. Data collected allows FMCSA to determine ME compliance with the FMCSR standards.

All interstate CMV drivers are required to obtain their medical certificates from a certified ME listed on the National Registry. Medical certificates issued prior to May 21, 2014, remain valid until the expiration date but all medical certificates issued on or after that date must come from a certified ME listed on the National Registry.

### ME Training, Testing, & Certification

As stated in the NPRM PIA, FMCSA developed the National Registry to improve highway safety and driver health by requiring that MEs be trained, tested, and certified to determine whether a CMV driver's health meets FMCSA standards. FMCSA determined that focusing on ME performance is one strategy to improve highway safety and driver health. In support of the National Registry, FMCSA developed core curriculum specifications, guidance, and administrative requirements for ME training, and provides information to private sector training providers. FMCSA requires that all ME candidates complete training conducted by a private sector training provider and pass a certification test developed by FMCSA-approved test developers and delivered by FMCSA-approved testing organizations and affiliated test centers.

Healthcare professionals that wish to become certified MEs, must be licensed, certified, or registered to perform medical examinations in accordance with applicable State laws and regulations. The first step in the certification process is for ME candidates to register via the National Registry website (<https://nationalregistry.fmcsa.dot.gov>). Once registered, the ME is assigned a unique identification number (national registry number). ME candidates must then complete the required training and pass the certification test to become certified and listed on the National Registry.

The test centers verify and document the ME candidate's identity, medical licensing information, and training completion prior to administering the National Registry ME certification test. Test centers administer the National Registry certification test according to FMCSA specifications, and are responsible for submitting the ME certification test results to the National Registry. Testing organizations that offer online testing provide a means to authenticate the identity of the person taking the test, provide a means for the testing organization to monitor the activity of the person taking the test, and prohibit the person taking the test, from reproducing the contents of the test.

Upon completion of the certification test, the test center uploads the ME candidate's results to the National Registry system. FMCSA validates the test results, ME licensing credentials, and training. If the ME candidate passes the certification test and meets the eligibility criteria, FMCSA notifies the ME that he or she has been awarded FMCSA ME certification credential, that he or she will be listed on the National Registry, and that he or she is authorized to

conduct CMV driver medical examinations. FMCSA then posts the certified ME contact information on the National Registry public website.

#### Conducting CMV Driver Medical Examinations

As stated in the NPRM PIA, once certified, the ME may perform examinations on CMV drivers who are required to receive a medical examination. FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver health and fitness and to detect irregularities in examination procedures. The National Registry final rule requires certified MEs to electronically transmit the results of each driver medical examination completed during the previous month to FMCSA via their individual password-protected National Registry web account once every calendar month. FMCSA uses this information to request MERs and MECs for a representative sample of driver medical examinations and review them to determine ME performance. Access to MERs and MECs is limited to authorized representatives of FMCSA or authorized Federal, State, or local enforcement agency representatives.

FMCSA allows MEs to designate administrative assistants to register on the National Registry and perform reporting functions on their behalf. Upon confirmation by a ME, they will become a designated Medical Examiner Administrative Assistant (MEAA) of the ME and their National Registry account will be associated with the National Registry account of the ME. MEs and their designated MEAAs can submit CMV driver medical examination results data to FMCSA, view previously submitted CMV driver medical examination results data, and edit the ME's contact information. In addition, FMCSA allows MEs to designate a third party that simultaneously uploads (bulk upload) multiple CMV Driver Medical Examination Results from their medical system to the National Registry. In order to access the data transfer protocol for bulk uploading into the National Registry, each third party must agree to FMCSA's bulk uploading terms and conditions by signing a Third Party Agreement and applying for a third party account with the National Registry. Once approved by FMCSA, third parties are able to provide electronic transmission of CMV Driver Medical Examination Results data for each certified ME that authorizes them to do so.

#### **Medical Examiner's Certification Integration Final Rule Overview**

The Medical Examiner's Certification Integration final rule is a follow-on rule to the National Registry of Certified Medical Examiners final rule published on April 20, 2012 (77 FR 24104), and the Medical Certification Requirements as Part of the CDL final rule (Med-Cert final rule) published on December 1, 2008 (73 FR 73096). It is also the third rule of an initiative to improve the driver qualification and ME's certificate process.

The Medical Examiner's Certification Integration NPRM proposed to require:

1. Certified MEs performing medical examinations on CMV drivers to use a newly developed MER Form, MCSA-5875, in place of the current MER Form.
2. Certified MEs to use Form MCSA-5876 for the MEC.
3. Certified MEs to report results of all completed drivers' medical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by close of business day on the day of the examination. This would include all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for CDLs or CLPs.
4. FMCSA to electronically transmit driver identification, examination results, and restriction information, from the National Registry system, to the SDLAs for holders of CDLs and CLPs. This includes those that have been

voided by FMCSA because it finds that an ME has certified a driver who does not meet the physical certification standards.

5. FMCSA to electronically transmit medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers to the SDLAs.

The following updates to the requirements have been made from the NPRM to the final rule.

1. Based on comments received in response to the NPRM and consideration of the impact on MEs, the Agency has changed the reporting time to midnight (local time) of the next calendar day following the examination. However, this has no impact on the privacy of the information collected. The change is regarding the timeframe MEs have to report results and not in the actual information collected.
2. Based on comments received in response to the NPRM, the final rule has been expanded to include not just MEC information from all examinations performed in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49), but also to allow (but not require) MEs to transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances. Therefore, the intrastate only selection has been removed from the medical forms and has been replaced with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances) and the Privacy Act Statement has been updated to be consistent with this change. However, these changes have no impact on the privacy of the information collected.
3. Based on comments received in response to the newly developed MER Form, MCSA-5875, edits have been made. The Agency has ensured that the driver health information requested is related to either the physical qualification standards or the statutory need to ensure that operating a CMV does not have a deleterious effect on driver health. Many of the recommendations made for modifying the MER Form, MCSA-5875 were incorporated. However, these changes have no impact on the privacy of the information collected. See Appendix A for the final version of the MER Form, MCSA-5875.
4. FMCSA will use CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs. DOT has determined that CDLIS is not a Federal "system of records," as defined by the Privacy Act of 1974 (5U.S.C. §552a), because the records in CDLIS are not controlled by DOT. CDLIS is operated by the American Association of Motor Vehicle Administrators (AAMVA) on behalf of the SDLAs.

The Medical Examiner's Certification Integration final rule requires certified MEs performing medical examinations on CMV drivers to use a newly developed MER Form, MCSA-5875, in place of the current MER Form and to use the prescribed Form MCSA-5876 for the MEC. In addition, MEs are required to report results of all completed CMV drivers' medical examinations (including the results of examinations where the driver was found not to be qualified) to FMCSA by midnight (local time) of the next calendar day following the examination rather than every 30 days as required by the National Registry final rule. This includes all CMV drivers who are required to be medically certified to operate in interstate commerce, not only those who hold or apply for CDLs or CLPs. In addition, the final rule has been expanded to allow (but not require) MEs to transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances.

Reporting of this information is accomplished, by completing a CMV Driver Medical Examination Results Form, MCSA-5850, via the ME's individual password-protected National Registry web account. This final rule requires FMCSA to electronically transmit driver identification, examination results, and restriction information from examinations performed in accordance with the FMCSRs (49 CFR 391.41- 49 CFR to 391.49) from the National

Registry to the SDLAs via CDLIS for CDL/CLP holders. In addition, at the request of several SDLAs, FMCSA will electronically transmit driver identification, examination results, and restriction information it receives from any examinations performed in accordance with the FMCSRs with any applicable State variances from the National Registry to the SDLAs. This includes those that have been voided by FMCSA because it finds that an ME has certified a driver who does not meet the physical certification standards. FMCSA is also required to electronically transmit medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers from the National Registry to the SDLAs whenever FMCSA issues, renews, or rescinds a medical variance via CDLIS. SDLAs are required to update CDLIS driver records each business day with medical variance information transmitted from FMCSA for CDL and CLP drivers. Transmission of this information allows authorized State and Federal enforcement officials to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC (see Medical Certification Forms section for a detailed description), and the medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) to include the issued and expiration dates.

Drivers who are required to have a CDL or CLP are no longer required to provide their MEC or any medical variance documents to the SDLA as outlined in the Med-Cert final rule. FMCSA provides that information to the SDLA electronically. CDL or CLP drivers are no longer required to carry a valid MEC while operating a CMV, even during the first 15 days after it is issued, because the MEC information is electronically transmitted from the ME to the National Registry system via the CMV Driver Medical Examination Results Form, MCSA-5850, by midnight (local time) of the next calendar day following the examination. FMCSA promptly transmits the information from the National Registry system to the SDLAs electronically via CDLIS for entry into the appropriate CDL driver record. The MEC information is posted to the driver's record, by the SDLA, within one business day of receiving the information from FMCSA. The electronic record of the driver's medical certification is the only valid evidence that the driver is physically qualified. For physically qualified non-CDL drivers, the ME continues to issue a paper MEC, Form MCSA-5876. Non-CDL drivers continue to be required to carry the original, or a copy, of the MEC. All CMV drivers are required to carry any relevant medical variance documents (exemptions, skills performance evaluation certificates and grandfathered exemptions).

## **Medical Certification Forms (see Appendix A)**

### National Registry of Certified Medical Examiners Forms

#### *The CMV Driver Medical Examination Results Form, MCSA-5850*

As stated in the NPRM PIA, the CMV Driver Medical Examination Results Form, MCSA-5850, was created as part of the National Registry of Certified Medical Examiners final rule. Monthly submission of the CMV Driver Medical Examination Results Form, MCSA-5850, is one of the administrative requirements for being listed on the National Registry. The MCSA-5850 is used to collect and electronically transmit ME certification information to FMCSA for each medical examination of an interstate CMV driver performed during the previous month and is an electronic form that is only available through the certified ME's individual password-protected National Registry web account. The MCSA-5850 includes almost all of the information on the MEC. The information not on the MCSA-5850 includes the ME's name and signature, telephone number, healthcare profession, state licensing number, state license issued by, national registry number, and the date the MEC was signed. This information is not on the MCSA-5850 because the National Registry system collects this information from MEs as part of the registration process and as a first step

in becoming a certified ME. This information is used to establish the ME's account and to assign and provide the ME with a national registry number that is unique to each ME. The ME then establishes a username and password that allows them to logon to their National Registry web account where their account information is stored. The National Registry system is programmed to link the ME's PII data elements to each MCSA-5850 submitted in order to capture all information collected on the MEC.

#### Medical Examiner's Certification Integration Final Rule Forms

##### *The CMV Driver Medical Examination Results Form, MCSA-5850*

This section has been updated from the NPRM to the final rule with the change to the timeframe for MEs to report results of all completed drivers' medical examinations via the CMV Driver Medical Examination Results Form, MCSA-5850, the addition of a selection for Incomplete Examination, the change from CDL to CLP/CDL Applicant/Holder, a change in the language regarding the daily submissions, and the replacement of the intrastate only option with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances).

Under the Medical Examiner's Certification Integration final rule, the certified MEs are required to report results of all completed CMV drivers' medical examinations to FMCSA by midnight (local time) of the next calendar day following the examination by completing and electronically transmitting a CMV Driver Medical Examination Results Form, MCSA-5850, via their individual password-protected National Registry web account. As described above, the MCSA-5850 is an electronic form that is only available through the certified ME's individual password-protected National Registry web account and includes almost all of the information on the MEC. Under the Medical Examiner's Certification Integration final rule, the "Temporarily Disqualified" option has been replaced with a "Pending Determination" option which is selected when a ME needs to defer a decision temporarily for up to 45 days, if the ME requires additional information to make a determination of whether or not the driver is qualified. Incomplete examination has also been added as an option for the ME to use if the examination is not completed. CDL has been changed to CLP/CDL Applicant/Holder to reflect the language in the Medical Examiner's Certification Integration final rule. The language regarding the daily submissions has also been changed in accordance with the Medical Examiner's Certification Integration final rule. The intrastate only selection has been removed and replaced with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances). The CMV Driver Medical Examination Results Form, MCSA-5850, found in Appendix A is a representation of the electronic form.

##### *The Medical Examination Report Form, MCSA-5875*

This section has been updated from the NPRM to the final rule. Based on comments received in response to the newly developed MER Form, MCSA-5875, some questions have been reworded and rearranged for clarification purposes, some questions have been deleted and some questions have been added. The Agency has ensured that the driver health information requested is related to either the physical qualification standards or the statutory need to ensure that operating a CMV does not have a deleterious effect on driver health. Many of the recommendations made for modifying the MER Form, MCSA-5875 were incorporated such as the removal of questions related to OSA and adding an option of "not sure" to the personal health history section to prompt the ME to discuss the specific medical condition in detail. CDL has been changed to CLP/CDL Applicant/Holder to reflect the language in the Medical Examiner's Certification Integration final rule. At the request of several SDLAs, the intrastate only selection has been removed and replaced with two certification options (driver certified in accordance with the FMCSRs (49



CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances) and the Privacy Act Statement has been updated to be consistent with this change. This was done in order to implement the Agency's decision to facilitate the transmission of MEC information for both interstate and intrastate operations to the SDLAs, while clearly differentiating on the relevant documentation which standards (interstate or intrastate) are involved. See Appendix A for the final version of the MER Form, MCSA-5875.

The MER Form, MCSA-5875, is an updated version of the MER Form currently being used by MEs and its use is a requirement of the Medical Examiner's Certification Integration final rule. The current version of the MER Form and the instructions and requirements for its use, have evolved over a number of years. The MER Form is used by the ME to record the details and results of a CMV driver's medical examination. The changes made to the MER Form are based on input from a group of MEs with a goal to strengthen the efficiency of frequently used clinical processes and tools for performing driver medical examinations. Many of the changes were editorial in nature and based on ME experiences.

Questions that were added to the MER Form, MCSA-5875, were added for clarification purposes and to make the driver's health history section more comprehensive. The MER Form, MCSA-5875 expands the ME determination section by adding a statement for the ME's signature, adding a place to record the ME's national registry number, adding "Incomplete Examination" for the ME to use if the examination has not been completed, adding a place for the ME to amend the certification decision if the driver did not require a completely new examination, eliminating the "Temporarily Disqualified" option, and adding a "Pending Determination" option to defer a decision temporarily for up to 45 days, if the ME requires additional information to make a determination of whether or not the driver is qualified. CDL has been changed to CLP/CDL Applicant/Holder to reflect the language in the Medical Examiner's Certification Integration final rule. The intrastate only selection has been removed and replaced with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances) and the Privacy Act Statement has been updated to be consistent with this change.

The MER Form no longer includes information about the driver's role, a listing of physical qualification standards for drivers, detailed instructions for performing the examination, and medical advisory criteria. This information has been removed from the newly developed MER Form, MCSA-5875, because FMCSA recognizes that MEs, who have been licensed, certified, or registered in accordance with applicable State laws and regulations to perform medical examinations thereby possess the knowledge, skills, and abilities to perform medical examinations, and do not need general instructions in performing and recording medical examinations. However, the Agency has published the medical advisory criteria as an appendix to 49 CFR 391. In addition, the MER Form now contains general instructions for completing the form.

Under the statute (49 U.S.C. 31133(a)), recordkeeping and reporting requirements are necessary to carry out the functions set out in the other parts of 49 CFR chapter 311. 49 U.S.C. 31133(a). This includes the regulation necessary to carry out the provisions of 49 U.S.C. 31136(a)(3) and (4) to ensure that the physical condition of CMV drivers enables them to operate safely and the operation of a CMV does not have a deleterious effect on the health of the drivers." The majority of the driver health history questions, including those that have been added, are specifically linked to parts of §391.41, Physical qualifications for drivers. All other driver health history questions are linked to driver health and ensuring that there is no negative or deleterious effect on the driver's health making it more difficult to drive a CMV safely. The health history is not meant to be qualifying or disqualifying. It is for the ME to

gather information about the driver's health and one of several factors that are used in determining whether a driver meets the physical qualification standards.

Questions on the MCSA-5875 will only be used for the purposes we have defined in this PIA. MEs are required to use the MCSA-5875 to record the details and results of CMV driver medical examinations. This form remains with the ME and is only provided to FMCSA upon request. As required by the Privacy Act, DOT/FMCSA provides direct notice to individuals via Privacy Act Statements on the paper and electronic forms it uses to collect PII. All CMV drivers are required to acknowledge, by providing their signature, that they have been provided with and understand the provisions of the Privacy Act as it applies to them through the Privacy Act Statement on the MER Form, MCSA-5875. CMV drivers give consent to the collection of their PII when they obtain a medical examination by a FMCSA-certified ME that is listed on the National Registry. Disclosure of PII is limited to the purposes and uses originally specified in the National Registry final rule, except (a) with the express consent of the individual, or (b) as authorized by law.

According to 49 U.S.C. 31149 (c)(1)(C) and (F), the Agency is required to conduct periodic reviews of a select number of MEs on the National Registry to ensure that proper examinations of such operators are being conducted and to periodically review a representative sample of the MERs associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification. If the Agency finds it appropriate in conducting any review of the performance of MEs on the National Registry, as provided by 49 U.S.C. 31149 (c)(1)(C) and (F), to obtain copies of the MERs and supporting medical records for CMV drivers examined, it follows the applicable policies and procedures to ensure the security and privacy of the personal health information about the driver contained therein. FMCSA follows similar procedures in conducting any investigation into whether or not a CMV driver is or should be physically qualified to operate a CMV. Therefore, the Agency requires submission of MERs and supporting medical records through the certified ME's individual password-protected National Registry web account. FMCSA implements policies and procedures to reasonably limit the uses and disclosures of medical information and PII.

#### *The Medical Examiner's Certificate, Form MCSA-5876*

This section has been updated with the change from CDL to CLP/CDL Applicant/Holder to reflect the language in the Medical Examiner's Certification Integration final rule, the replacement of the intrastate only option with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances), and to identify that FMCSA will use CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs.

As stated in the NPRM PIA, the MEC, Form MCSA-5876, is an updated version of the MEC currently being used by MEs and its use is a requirement of the Medical Examiner's Certification Integration final rule. The purpose of the MEC Form is to document that the driver has been medically examined and certified, in accordance with §391.43, as physically qualified to operate a CMV in interstate commerce. The MEC, Form MCSA-5876, reflects minor editorial changes made for clarity, and the replacement of the intrastate only option with two certification options (driver certified in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49) and driver certified in accordance with the FMCSRs with any applicable State variances). There is no change to the information collected under the current regulation.

Under the Medical Examiner's Certification Integration final rule, drivers who are required to have a CDL or a CLP are no longer required to provide their MEC or any medical variance documents to the SDLA as outlined in the Med-Cert final rule. FMCSA provides that information to the SDLA electronically via CDLIS. In addition, CDL or CLP drivers are no longer required to carry a valid MEC while operating a CMV, even during the first 15 days after it is issued, because the MEC information is being electronically transmitted from the ME to the National Registry system via the CMV Driver Medical Examination Results Form, MCSA-5850, by midnight (local time) of the next calendar day following the examination. FMCSA electronically transmits the information from the National Registry system to the SDLAs via CDLIS for entry into the appropriate CDL driver record. The MEC information is posted to the driver's record, by the SDLA, within one business day of receiving the information from FMCSA. The electronic record of the driver's medical certification is the only valid evidence that the driver is physically qualified. For physically qualified non-CDL drivers, the MEs continue to issue a paper MEC, Form MCSA-5876. Non-CDL drivers are still required to carry the original, or a copy, of the MEC. All CMV drivers are required to carry any relevant medical variance documents (exemptions, skills performance evaluation certificates and grandfathered exemptions).

#### *The Medical Exemption Certificate/SPE Certificate*

As stated in the NPRM PIA, under the National Registry of Certified Medical Examiners final rule, medical variance information for CMV drivers is neither collected nor transmitted. However, the Medical Examiner's Certification Integration final rule requires medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers be electronically transmitted from the National Registry to the SDLAs. A medical variance (exemptions, skills performance evaluation certificates and grandfathered exemptions) is issued by FMCSA to a driver who would otherwise not meet the physical qualification standards in 49 CFR 391.41(b). Therefore, the medical variance information originates with FMCSA who electronically transmits this medical variance information for all CMV drivers from the National Registry to the appropriate SDLAs whenever FMCSA issues, renews, or rescinds a medical variance via CDLIS. The SDLAs are required to update CDLIS driver records each business day with medical variance information transmitted from FMCSA for CDL and CLP drivers. This allows the most current information about the medical status of CDL drivers to be made available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC (see Medical Certification Forms section for a detailed description), and the medical variance information to include the issued and expiration dates.

#### **Collection of PII**

The following discussion outlines the PII and business information that is collected and maintained by FMCSA, from MEs, MEAAs, third parties, and CMV drivers, in support of the National Registry.

#### *National Registry of Certified Medical Examiners PII*

##### *ME PII and Business Information Collection*

As stated in the NPRM PIA, the National Registry system collects PII and business information from each ME as part of the certification process. The PII collection takes place during the registration, training, and testing phases of the process. In addition, this information is used to establish the ME's National Registry system web account and to assign the ME with a national registry number that is unique to each ME. The ME's national registry number is used to identify the ME and is included on all MCSA-5875s and MCSA-5876s that the ME completes. After the ME has established their individual password-protected National Registry system web account, they logon to their account

to submit required MCSA-5850s for each medical examination they conduct. The National Registry system links the ME's PII data elements to each CMV Driver Medical Examination Results Form, MCSA-5850 submitted to capture all information collected on the MEC, Form MCSA-5876.

The specific PII and business information collected from MEs during the registration and certification process, during certification training, during certification testing, and during the certification decision process is listed in Appendix B. In addition, five data elements that were discussed in the National Registry final rule PIA dated August 20, 2012 that were no longer needed in support of the implementation of the National Registry final rule and were removed from or made an optional collection are listed in Appendix B.

#### *MEAA and Third Party PII Collection to Register with the National Registry System*

As stated in the NPRM PIA, FMCSA allows MEs to designate administrative assistants to register on the National Registry and perform reporting functions on their behalf. FMCSA collects PII from MEAAs to provide them secure access to their individual password-protected National Registry web account that is associated with the designating ME's National Registry web account. FMCSA also allows MEs to designate a third party that simultaneously uploads (bulk upload) multiple CMV Driver Medical Examination Results from their medical system to the National Registry on their behalf. FMCSA collects PII from third parties to provide them secure access to their individual password-protected National Registry third party web account.

The specific PII and business information collected from MEAAs during the registration process and third parties during the application process is listed in Appendix B.

#### *CMV Driver PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850*

FMCSA collects PII from CMV drivers for reporting medical examination results to the National Registry system via the MCSA-5850. This is the same driver information that is collected and recorded on the MEC.

The specific PII collected from CMV drivers that is reported to the National Registry via the MCSA-5850 is listed in Appendix B. In addition, four data elements that were discussed in the National Registry final rule PIA dated August 20, 2012 that were no longer needed in support of the implementation of the National Registry final rule and were removed from collection are listed in Appendix B.

MER and MEC information may be collected for all CMV drivers, not just CDL and CLP holders, once FMCSA establishes the oversight and audit processes for the program as authorized by 49 U.S.C. 31149(c)(2), enacted by section 4116(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L.109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU). It is necessary for MEs to provide MERs and MECs, when requested, to an authorized representative, special agent, investigator of FMCSA or an authorized State or local enforcement agency representative in order to determine ME compliance with FMCSA medical standards and guidelines in performing CMV driver medical examinations. FMCSA's reasoning for including the MEC in the data collection is to verify that the medical certification decision matches that of the MER.

#### Medical Examiner's Certification Integration PII

#### *Additional CMV Driver PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850*

As stated in the NPRM PIA and in the National Registry of Certified Medical Examiners final rule PIA, a determination was made that four data elements for CMV drivers that had been identified and included in the National Registry of

Certified Medical Examiners NRPM PIA for collection on the MCSA-5850 were removed. At that time a decision was made that these data elements, one of which being the driver's mailing address, were not needed in support of the implementation of the National Registry final rule. Under the Medical Examiner's Certification Integration NPRM, FMCSA reconsidered the need for the driver's mailing address and determined that the driver's mailing address does need to be collected. Therefore, FMCSA has adjusted the collection of National Registry system data elements to once again include the collection of the driver's mailing address on the MCSA-5850 for inclusion in the National Registry system. However, the driver's mailing address has always been collected on the MER and MEC thus is not a new information collection. FMCSA has also decided to include, as an optional collection of information, the driver's email address. The Agency determined that the driver's mailing address is necessary as part of the implementation of the National Registry should FMCSA need to contact the driver regarding their certification during the oversight and audit process for the program. The optional collection of the driver's email address is being used for general correspondence with the driver.

In addition, when examining a driver that the ME has not examined before, MEs have the ability to query the National Registry and view a driver's previous medical examination results via the MCSA-5850. This provides the ME valuable information regarding the date in which the driver was last seen by a ME and the status of that examination.

The specific PII collected from CMV drivers that is reported to the National Registry via the MCSA-5850 is listed in Appendix B.

#### *ME and CMV Driver PII Collection on the MER Form, MCSA-5875*

As stated in the NPRM PIA, the MER Form, MCSA-5875, is an updated version of the MER Form currently being used by MEs to record the details and results of CMV driver medical examinations. PII from both the ME and CMV driver is collected and recorded on the MER Form, MCSA-5875. The MER Form has been revised as previously described, has been assigned an Office of Management and Budget (OMB) form number, and MEs are required to use it to record the details and results of CMV driver medical examinations. This form remains with the ME and is only provided to FMCSA upon request.

The specific PII collected from MEs and CMV drivers that is collected and recorded on the MER Form, MCSA-5875 is listed in Appendix B.

#### *ME and CMV Driver PII Collection on the MEC, Form MCSA-5876*

Form MCSA-5876 has been revised as previously described, has been assigned an OMB form number and is a requirement of the Medical Examiner's Certification Integration final rule. PII from both the ME and CMV driver is collected and recorded on the MEC, Form MCSA-5876.

The specific PII collected from MEs and CMV drivers that is collected and recorded on the MEC, Form MCSA-5876 is listed in Appendix B.

#### *CMV Driver PII Collection for Medical Variances*

This section has been updated to identify that FMCSA will use CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs. The Medical Examiner's Certification Integration final rule requires medical variance information

(exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers be electronically transmitted from the National Registry to the SDLAs via CDLIS. PII from the CMV driver is collected and recorded as part of the Medical Exemption and SPE Certificate programs. However, only the driver's name, date of birth, type of variance and issued and expiration dates will be entered into the National Registry for transmission to the SDLAs.

The specific PII collected from CMV drivers that is collected and entered into the National Registry is listed in Appendix B.

As previously discussed above regarding collection of MERs and MECs, under the Medical Examiner's Certification Integration final rule, MER information may continue to be collected for all CMV drivers. However, since MEs are no longer required to provide CDL and CLP drivers with a MEC, CDL and CLP drivers are no longer required to carry a valid MEC while operating a CMV, and the information is electronically transmitted to the SDLAs, MEC information may only be collected for non-CDL drivers.

### **Transmission of the PII collected**

#### *National Registry of Certified Medical Examiners*

As stated in the NPRM PIA, one of the administrative requirements for being listed on the National Registry is for the certified ME to submit a CMV Driver Medical Examination Results Form, MCSA-5850, to FMCSA for each medical examination conducted on CMV drivers. The National Registry final rule requires MEs to electronically transmit this information monthly via their individual password-protected National Registry web account. Therefore, the PII collected above on the MCSA-5850 and the information captured by the National Registry system upon the ME signing in via their individual password-protected National Registry web account is combined and forwarded to the National Registry system.

#### *Medical Examiner's Certification Integration Final Rule*

This section has been updated with the change to the timeframe for MEs to report results of all completed drivers' medical examinations via the CMV Driver Medical Examination Results Form, MCSA-5850, to identify that FMCSA will use CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs, and to allow (but not require) MEs to transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances.

As part of the Medical Examiner's Certification Integration final rule, certified MEs are required to report results of all completed CMV driver's medical examinations to FMCSA, by midnight (local time) of the next calendar day following the examination, by completing and electronically transmitting a CMV Driver Medical Examination Results Form, MCSA-5850, for each examination conducted, via their individual password-protected National Registry web account. This includes not just MEC information from all examinations performed in accordance with the FMCSRs (49 CFR 391.41- 49 CFR 391.49), but also allows MEs to transmit MEC information from examinations performed in accordance with the FMCSRs with any applicable State variances. The MCSA-5850 includes almost all of the information on the MEC. The information not on the MCSA-5850 includes the ME's name and signature, telephone number, healthcare profession, state licensing number, state license issued by, national registry number, and the date the MEC was signed. This information is not on the MCSA-5850 because the National Registry system collects this information from MEs as part of the registration process as a first step in becoming a certified ME.

When a ME submits a MCSA-5850, the information on the MCSA-5850 is merged with the ME's account information and becomes part of the MCSA-5850 submission and represents all of the information captured on the MEC. FMCSA electronically transmits driver identification, examination results, and restriction information for CDL and CLP holders from the National Registry system to the SDLAs via CDLIS. Since MEs are allowed to transmit the above information from examinations performed in accordance with the FMCSRs with any applicable State variances, that information will also be forwarded to the SDLAs for CLP and CDL holders. FMCSA also electronically transmits medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers from the National Registry to the SDLAs. The information transmitted includes the type of variance and the issued and expiration dates. Transmission of this information allows authorized State and Federal enforcement officials to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC (see Medical Certification Forms section for a detailed description), and the medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) to include the issued and expiration dates.

## Fair Information Practice Principles (FIPPs) Analysis

*The Fair Information Practice Principles are rooted in the tenets of the Privacy Act and are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs are common across many privacy laws and provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis DOT conducts is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile v.3[i][1] , which is sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations<sup>6</sup>*

## Transparency

*Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their PII. Additionally, the Department should not maintain any system of records the existence of which is not known to the public.*

As stated in the NPRM PIA, FMCSA does not secretly collect or store PII and clearly discloses its policies and practices concerning the PII collected and held associated with the implementation of all rules discussed in this PIA. FMCSA provides notice to individuals through several different ways including the National Registry of Certified Medical Examiners final rule<sup>7</sup>, the FMCSA website ([www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)), the National Registry website ([www.nationalregistry.fmcsa.dot.gov](http://www.nationalregistry.fmcsa.dot.gov))<sup>8</sup>, the Medical Examiner's Certification Integration final rule<sup>9</sup>, Medical

<sup>6</sup> [http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft\\_800-53-privacy-appendix-J.pdf](http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf)

<sup>7</sup> <http://www.regulations.gov/#!documentDetail:D=FMCSA-2008-0363-0111>

<sup>8</sup> <https://nationalregistry.fmcsa.dot.gov/NRPublicUI/home.seam>

<sup>9</sup> <http://www.regulations.gov/#!docketDetail:D=FMCSA-2012-0178>

Examiners Certification Integration final rule PIA <sup>10</sup>, and the update of the SORN published on the DOT Privacy Program website<sup>11</sup> and in the Federal Register for public comment.

#### National Registry of Certified Medical Examiners

As stated in the NPRM PIA, during the comment phase of the National Registry of Certified Medical Examiners NPRM, comments were submitted by the public that indicated the belief that the Health Insurance Portability and Accountability Act (HIPAA) regulations apply to FMCSA and/or drivers' employers. In response to this comment, in the National Registry final rule, FMCSA determined that that they were not a covered entity, which is defined in the HIPAA rules as (1) health plans, (2) health care clearinghouses, and (3) health care providers who electronically transmit any health information. Further, FMCSA disagreed that there were possible conflicts with HIPAA that would be encountered by employers because the National Registry final rule did not require employers to access private health information.

As required by the Privacy Act, DOT/FMCSA provides direct notice to individuals via Privacy Act Statements on the paper and electronic forms it uses to collect PII. Under the National Registry final rule, effective notice is given to the ME by requiring the ME, prior to taking the FMCSA certification test, to provide several statements. Statements include that the ME is capable and willing to comply with FMCSA requirements and agrees to the statement regarding the National Registry/FMCSA Terms of Use and Privacy Act.

#### Medical Examiner's Certification Integration Final Rule

Effective notice of the Privacy Act is given to the ME prior to taking the certification test. In addition, notice of the Privacy Act Statement is available at the bottom of every webpage on the National Registry website including the webpages that the ME/MEAA uses while logged into his or her account. As required by the Privacy Act, DOT/FMCSA provides direct notice to individuals via Privacy Act Statements on all paper and electronic forms it uses to collect PII. The Privacy Act Statement has been added to the new MER Form, MCSA-5875, and the MEC, Form MCSA-5876. All CMV drivers are required to acknowledge, by providing their signature, that they have been provided with and understand the provisions of the Privacy Act as it applies to them through the Privacy Act Statement on the MER Form, MCSA-5875.

#### Federal Medical Exemption Program

Under the National Registry of Certified Medical Examiners final rule, medical variance information for CMV drivers is neither collected nor transmitted. However, the Medical Examiner's Certification Integration final rule requires medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers be electronically transmitted from the National Registry to the SDLAs. FMCSA established the Medical Exemption Program to support the paper-based Federal Vision Exemption Program and Federal Diabetes Exemption Program which are managed by the FMCSA Medical Programs Division. These programs were established to process requests from CMV drivers to allow them to operate CMVs in interstate commerce if they do not meet the requirements of one of the medical standards in 49 CFR 391.41(b).

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<sup>10</sup> <http://www.regulations.gov/#!docketDetail:dct=FR%252BPR%252BN%252BO%252BSR;rpp=25;po=0;D=FMCSA-2008-0363> (Docket FMCSA-2008-0363-0003)

<sup>11</sup> [DOT/FMCSA 009 - National Registry of Certified Medical Examiners \(National Registry\)](#)



In accordance with the Privacy Act of 1974, FMCSA published in the Federal Register a SORN for the Medical Exemption Program (<http://www.gpo.gov/fdsys/pkg/FR-2011-02-22/pdf/2011-3825.pdf>)<sup>12</sup>. Additionally, FMCSA published a Privacy Impact Assessment (PIA) for the Medical Exemption Program to coincide with the publication of the Medical Exemption Program SORN (<http://www.dot.gov/individuals/privacy/pia-medical-exemption-program>).<sup>13</sup> An update to the Medical Exemption Program SORN will be published in the Federal Register. In addition, an update to the PIA for the Medical Exemption Program will be published on the DOT Privacy Program website and will coincide with the publication of the Medical Exemption Program SORN.

### Individual Participation and Redress

*DOT should provide a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision making process regarding the collection and use of their PII and be provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.*

As stated in the NPRM PIA, participation in the National Registry by MEs is voluntary. However, an individual who refuses to provide such information will not be able to obtain a national registry number, ME certification, MEAA Number or third party account. MEs and MEAAs have the ability to update and change basic demographic and professional data through the National Registry website. CMV drivers give consent to the collection of their PII when they obtain a medical examination by a FMCSA-certified ME that is listed on the National Registry.

FMCSA ensures that an individual has the right to (a) obtain confirmation of whether FMCSA has PII relating to him or her; (b) access the PII related to him or her within a reasonable time, cost, and manner and in a form that is readily intelligible to the individual; (c) obtain an explanation if a request made under (a) and (b) is denied and challenge such denial; and (d) challenge PII relating to him or her and, if the challenge is successful, have the data erased, rectified, completed, or amended. Individuals may request access to their own records that are maintained in a system of records in the possession or under the control of DOT by complying with DOT Privacy Act regulations found in 49 CFR Part 10. Privacy Act requests for access to an individual's record must be in writing (either handwritten or typed), and may be mailed, faxed, or emailed. DOT regulations require that the request include a description of the records sought, the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Additional information and guidance regarding DOT's FOIA/PA program may be found on the DOT website. Privacy Act requests concerning information in the National Registry may be addressed to:

Director, Office of Carrier, Driver, and Vehicle Safety Standards,  
Federal Motor Carrier Safety Administration,  
U.S. Department of Transportation,  
1200 New Jersey Avenue SE,  
Washington, DC 20590.  
Phone number 202-366-4001  
Fax number 202-366-1265  
[fmcsamedical@dot.gov](mailto:fmcsamedical@dot.gov)

### National Registry of Certified Medical Examiners

<sup>12</sup> <http://www.gpo.gov/fdsys/pkg/FR-2011-02-22/pdf/2011-3825.pdf>

<sup>13</sup> <http://www.dot.gov/individuals/privacy/pia-medical-exemption-program>

As stated in the NPRM PIA, FMCSA provides an appeals process for MEs who have been proposed to be removed from the National Registry to correct an identified deficiency or request review by FMCSA. This process provides an additional layer of redress for individuals to challenge and seek correction of information about them in the National Registry. An ME who receives a notice of proposed removal has 30 days to submit a response in writing explaining the error committed in being proposed to be removed from the National Registry. Alternatively, the ME may submit a written response indicating that he or she will come into compliance, if possible, and complete the corrective actions identified in the notice of proposed removal. An individual who has been removed from the National Registry may request an Administrative Review by FMCSA. FMCSA published further information about the appeals process in the *"Complete Guide to Medical Examiner Certification"* on the National Registry website.<sup>14</sup>

FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver health and fitness and to detect irregularities in examination procedures. Under the authority granted by 49 U.S.C. 31149(c)(2), FMCSA may void a MEC issued to a CMV driver if it finds either that an ME has issued a certificate to a driver "who fails to meet the applicable standards at the time of the examination" or "that a ME has falsely claimed to have completed training in physical and medical examination standards." Some examples of circumstances in which the driver does not meet the applicable standards that might trigger such action by the Agency could include, but would not be limited to, when a driver has falsified or omitted disclosing potentially disqualifying medical information to the ME at the time of the examination or when a ME has not applied correctly the physical qualification standards in deciding that the driver was physically qualified.

#### Medical Examiner's Certification Integration Final Rule

As stated in the NPRM PIA, the update to this PIA based on the Medical Examiner's Certification Integration final rule states that the Agency will develop internal processes for evaluating the validity of certificates in the wide variety of possible situations where such review appears to be appropriate under the statutory standard. This includes review of the data submitted by MEs to the National Registry system, as well as complaints, field investigations, crash reports and other sources. The update to this PIA also requires FMCSA to provide the affected driver a notice of the proposed action and an opportunity either to obtain a new MEC, if appropriate, or to provide the Agency with any legal or factual reasons why the action should not be taken before voiding the MEC. If the decision is made to void the driver's MEC, FMCSA notifies the driver. If the driver holds a CDL or CLP, notification is electronically transmitted by FMCSA to the driver's SDLA through the National Registry, and the SDLA changes the CDL or CLP driver's medical status to "not certified" and notifies the driver of the action taken.

In addition, the Medical Examiner's Certification Integration final rule suggests that MEs allow and encourage all drivers to review their information that is collected for reporting to FMCSA via the CMV Driver Medical Examination Results Form, MCSA-5850. This review, if conducted, does not include an actual review of the data entry information submitted into the National Registry system. This review reduces data errors that will be transmitted to the National Registry and then to the States potentially hindering delivery of the MEC information to the intended CDLIS driver record. Although, FMCSA has the responsibility to ensure that the data is transmitted appropriately, the Agency relies on the accuracy of the data submitted by the ME. Therefore, if a driver finds that inaccurate information was transmitted to the SDLA, the driver should contact the ME that conducted the examination, review

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<sup>14</sup>[https://nationalregistry.fmcsa.dot.gov/NRPublicUI/documents/Complete\\_Guide\\_to\\_ME\\_Certification\\_revised\\_032513.pdf](https://nationalregistry.fmcsa.dot.gov/NRPublicUI/documents/Complete_Guide_to_ME_Certification_revised_032513.pdf)

the information that was submitted by the ME, correct the information, and have the ME resubmit the MCSA-5850 to the National Registry.

### Statutory Authority and Purpose Specification

*DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which its collects, uses, maintains, or disseminates PII.*

As stated in the NPRM PIA, under the statute (49 U.S.C. 31133(a)), recordkeeping and reporting requirements have to be necessary to carry out the functions set out in the other parts of 49 CFR chapter 311. 49 U.S.C. 31133(a). This includes the regulation necessary to carry out the provisions of 49 U.S.C. 31136(a)(3) and (4) to ensure that the physical condition of CMV drivers enables them to operate safely and the operation of a CMV does not have a deleterious effect on the health of the drivers.

#### National Registry of Certified Medical Examiners

As stated in the NPRM PIA, Congress recognized in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU) that a number of steps would be needed to improve the quality of the medical certification of drivers. The primary legal basis for the National Registry Program comes from Section 4116(a) of SAFETEA-LU (codified at 49 U.S.C. § 31149). Paragraph (d) of section 31149 provides that:

The Secretary, acting through the Federal Motor Carrier Safety Administration –

- 1) shall establish and maintain a current national registry of medical examiners who are certified 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 CMV drivers' 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 CMVs.

FMCSA uses ME contact information, medical credentials, training certificate, certification test, and identification information to evaluate his or her eligibility for certification. MEs may be required to provide supporting documentation of eligibility for certification. FMCSA compares ME contact and medical licensing information provided by the ME during registration to the state's medical licensing data in order to ensure the data provided by the ME is valid. FMCSA reviews ME test responses in order to validate the test grade and score provided by the test center, and to ensure that the test center properly graded and scored the test. FMCSA uses ME contact and employer information to list certified MEs on the National Registry website for the general public to search for certified MEs.

FMCSA uses ME and MEAA contact and employer information to communicate with the ME and MEAA regarding their information in the National Registry. FMCSA uses third party contact information to communicate with the third party regarding CMV Driver Medical Examination Results data they submit on behalf of a certified ME. FMCSA uses the CMV driver contact information and CMV license information to analyze the relationship between driver

ME examination results and public safety. FMCSA uses the CMV driver medical examination information to monitor the ME competence and performance in evaluating the CMV driver's health and to uncover instances of fraud.

The test centers use ME identification, contact, medical credential, employer contact, and training information to verify ME identity and eligibility to take the ME certification test and to transfer certification test information to the National Registry.

The test developer contractors use the ME certification test results, ME profession, and ME geographic location to perform analysis of the certification test results to identify future improvements and modifications to the test questions and to identify potential patterns of fraud and abuse in the testing process by individual ME candidates, testing organizations, test centers, or proctors.

According to 49 U.S.C. 31149 (c)(1)(C) and (F), the Agency is required to conduct periodic reviews of a select number of MEs on the National Registry to ensure that proper examinations of such operators are being conducted and to periodically review a representative sample of the MERs associated with the name and numerical identifiers of applicants transmitted under subparagraph (E) for errors, omissions, or other indications of improper certification. If the Agency finds it appropriate in conducting any review of the performance of MEs on the National Registry, as provided by 49 U.S.C. 31149 (c)(1)(C) and (F), to obtain copies of the MERs and supporting medical records for CMV drivers examined, it follows the applicable policies and procedures to ensure the security and privacy of the personal health information about the driver contained therein. FMCSA follows similar procedures in conducting any investigation into whether or not a CMV driver is or should be physically qualified to operate a CMV. Therefore, the Agency requires submission of MERs and supporting medical records through a secure web application for which each certified ME has an individual password-protected account. FMCSA will implement policies and procedures to reasonably limit the uses and disclosures of medical information and PII.

#### Medical Examiner's Certification Integration Final Rule

This section has been updated with the change to the timeframe for MEs to report results of all completed drivers' medical examinations via the CMV Driver Medical Examination Results Form, MCSA-5850 and to identify that FMCSA will use CDLIS to electronically transmit driver identification, examination results, and restriction information from the National Registry system to the SDLAs for holders of CDLs and CLPs.

The purpose of the principal requirements in the Medical Examiner's Certification Integration final rule is to modify the requirements adopted in two earlier final rules issued by FMCSA, the National Registry of Certified Medical Examiners final rule published on April 20, 2012 (77 FR 2410), and the Medical Certification Requirements as Part of the CDL final rule (Med-Cert final rule) published on December 1, 2008 (73 FR 73096), so that the information from the MEC is transmitted to FMCSA, by midnight (local time) of the next calendar day following the examination by MEs for drivers required to have a CDL, is then promptly and accurately transmitted to the SDLAs electronically via CDLIS for entry into the appropriate CDL driver record within one business day of receipt from FMCSA. In view of this purpose, the legal basis of the two previous final rules also serve as the legal basis for this proposed rule. The primary legal basis for the 2008 final rule, Medical Certification Requirements as Part of the CDL, is section 215 of Motor Carrier Safety Improvement Act [Pub. L. 106-159, 113 Stat. 1767 (Dec. 9, 1999)] (set out as a note to 49 U.S.C. 31305). The primary legal basis for the 2012 final rule, National Registry of Certified Medical Examiners, is 49 U.S.C. 31149, enacted by section 4116(a) of Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109-59, 119 Stat. 1726 (Aug. 10, 2005) (SAFETEA-LU).

FMCSA has authority under 49 U.S.C. 31133(a)(8) and 31149(c)(1)(E) to require MEs on the National Registry to record and retain the results of the medical examinations of CMV drivers and to require frequent reporting of the information contained on all MECs they issue. Section 31133(a)(8) gives the Agency broad administrative powers (specifically “to prescribe recordkeeping and reporting requirements”) to assist in ensuring motor carrier safety. [Sen. Report No. 98-424 at 9 (May 2, 1984)]. Section 31149(c)(1)(E) authorizes a requirement for electronic reporting of certain specific information by MEs, including applicant names and numerical identifiers as determined by the FMCSA Administrator. Section 31149(c)(1)(E) sets minimum monthly reporting requirements for MEs and does not preclude the exercise by the Agency of its broad authority under § 31133(a)(8) to require more frequent and more inclusive reports.<sup>15</sup> In addition to the general rulemaking authority in 49 U.S.C. 31136(a), the Secretary of Transportation is specifically authorized by section 31149(e) to “issue such regulations as may be necessary to carry out this section.” Authority to implement these various statutory provisions has been delegated to the Administrator of FMCSA [49 CFR 1.87(f)].

The update to this PIA based on the Medical Examiner's Certification Integration final rule requires medical variance information (exemptions, skills performance evaluation certificates and grandfathered exemptions) for all CMV drivers to be electronically transmitted from the National Registry to the SDLAs. Under 49 U.S.C. 31136(e) and §31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.” A medical variance (exemptions, skills performance evaluation certificates and grandfathered exemptions) is issued by FMCSA to a driver who would otherwise not meet the physical qualification standards in 49 CFR 391.41(b). Therefore, the medical variance information originates with FMCSA who electronically transmits this medical variance information for all CMV drivers from the National Registry to the appropriate SDLAs whenever FMCSA issues, renews, or rescinds a medical variance. SDLAs are required to update CDLIS driver records each business day with medical variance information transmitted from FMCSA for CDL and CLP drivers. This allows the most current information about the medical status of CDL drivers available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC (see Medical Certification Forms section for a detailed explanation), and the medical variance information to include the issued and expiration dates.

### **Data Minimization & Retention**

*DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected. DOT should retain PII for only as long as necessary to fulfill the specified purpose(s) and in accordance with a National Archives and Records Administration (NARA)-approved record disposition schedule. Forms used for the purposes of collecting PII shall be authorized by (OMB).*

This section has been updated to reflect changes in the proposed records disposition schedule. The DOT/FMCSA has prepared a revised records disposition schedule for the National Registry that has been submitted to NARA for approval. All records maintained in this system of records are treated as permanent records until the schedule is approved by NARA. The proposed schedule includes the following retention periods:

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<sup>15</sup> The provisions of § 31149(c)(1)(E) have been amended by § 32302(c)(1)(A) of Moving Ahead for Progress in the 21<sup>st</sup> Century, Pub. L. 112-141, 126 Stat. 405 (July 6, 2012) (“MAP-21”).

1. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners will be retained for the time the ME is on the National Registry plus 6 years following removal from the National Registry.
2. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners that have been voluntary or involuntarily removed from the National Registry will be retained for 6 years following removal from the National Registry.
3. National Registry Personally Identifiable Information (PII) of Medical Examiners that are registered but have not completed the certification process or are ineligible for certification by DOT will be retained for 6 years following removal from the National Registry.
4. National Registry Personally Identifiable Information (PII) of Medical Examiner's Administrative Assistants (MEAs) designated by a certified ME will be retained for 1 year from the date the individual is no longer authorized to perform duties in the National Registry system on behalf of the certified ME.
5. National Registry Personally Identifiable Information (PII) and Medical Examination Results of CMV Drivers will be retained concurrent with the records of the ME who performed the driver's medical examination.
6. National Registry Personally Identifiable Information (PII) and Medical Examination Report Records of CMV Drivers will be retained for 3 years from the date the medical examination report records are provided to FMCSA.

The specific data elements for each of the records categories above can be found in Appendix C.

Under the National Registry final rule, MEs are required to retain the original (paper or electronic) MER and a copy or electronic version of the MEC for each medical examination they conduct of CMV drivers for at least 3 years from the date of the examination.

As previously discussed, in the National Registry of Certified Medical Examiners final rule PIA dated August 20, 2012, five data elements for MEs and four data elements for CMV drivers that had been previously identified and included in the NPRM PIA for collection were removed from or made an optional collection.

The update to this PIA based on the Medical Examiner's Certification Integration final rule expands the ME determination section by eliminating the "Temporarily Disqualified" option and adding a "Pending Determination" option on the MER Form, MCSA-5875 to defer a decision temporarily for up to 45 days, if the ME requires additional information to make a determination of whether or not the driver is qualified. This information is submitted and stored only in the National Registry system. If the disposition of the pending examination is not updated by the ME before the 45 day expiration date, FMCSA notifies the ME and the driver in writing that the examination is no longer valid and that the driver is required to be re-examined. FMCSA retains the invalidated examination information in the National Registry System consistent with the NARA approved DOT/FMCSA records disposition schedule for the National Registry. The ME determination section has also been expanded to include an "Incomplete Examination" option on the MER Form, MCSA-5875 if the examination is not completed. This information is submitted and stored only in the National Registry system. FMCSA retains the incomplete examination information in the National Registry System consistent with the NARA approved DOT/FMCSA records retention schedule for the National Registry.

The update to this PIA based on the Medical Examiner's Certification Integration final rule still requires MEs to retain the original (paper or electronic) MER and a copy or electronic version of the MEC for each medical examination

they conduct of CMV drivers for at least 3 years from the date of the examination. In addition, the SDLAs are required to retain an electronic record of the MEC, Form MCSA-5876 information for 3 years.

### Use Limitation

*DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.*

This section has been updated because the Department has expanded the purpose of its information to include the electronic transfer of MEC information for CLP/CDL applicants/holders and medical variance (exemptions, skills performance evaluation certificates and grandfathered exemptions) information for all CMV drivers from the National Registry to the SDLAs via CDLIS. This allows the most current information about the medical status of CDL drivers to be available promptly and accurately. Transmission of this information also allows authorized State and Federal enforcement officials to be able to view the most current and accurate information regarding the medical status of the CDL driver, all information on the MEC, Form MCSA-5876 (see Medical Certification Forms section for a detailed explanation), and the medical variance information to include the issued and expiration dates. In addition, the Department will allow (but not require) MEs to transmit MEC information about examinations performed in accordance with the FMCSRs with any applicable State variances to the National Registry which will then be electronically transmitted to the SDLAs for CLP/CDL applicants/holders. This change was made at the request of and as a courtesy to the SDLAs so that they do not need to develop and implement a separate electronic system for intrastate drivers. This new routine use has been added to the National Registry SORN that has been updated and published on the DOT Privacy Program website and in the Federal Register for public comment to coincide with the publication of the Medical Examiner's Certification Integration final rule.

Disclosure of PII is limited to the purposes and uses originally specified in the National Registry final rule, except (a) with the express consent of the individual, or (b) as authorized by law. This includes limiting disclosure of PII for the purposes and uses specified in the National Registry final rule, the Medical Examiner's Certification Integration final rule, the DOT/FMCSA 009 - National Registry SORN, April 23, 2012 (77 FR 24247), and the DOT/FMCSA 009 – National Registry SORN, that has been updated with expanded uses of the data in connection with this PIA and will be published on the DOT Privacy Program website and in the Federal Register for public comment.

FMCSA does not require the disclosure of any personal information to third parties outside FMCSA and FMCSA test development contractors, except to validate the identity and eligibility of the ME candidate, facilitate the transmission of application data and test results to FMCSA by test centers, or as authorized by law. If appropriate, additional information regarding the use and disclosure of information collected may be made in accordance with the U.S. Department of Transportation Prefatory Statement of General Routine Uses published in the Federal Register on July 20, 2012 (77 FR 42796), under "Prefatory Statement of General Routine Uses" (available at <http://www.dot.gov/privacy>).

The sharing practices related to the National Registry meet applicable legal, regulatory, programmatic, and oversight obligations. Access to the National Registry or to individual data elements within the National Registry must be linked to a user's lawfully defined duties that directly support the Agency's mission.

## Data Quality and Integrity

*In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department's public notice(s).*

As stated in the NPRM PIA, FMCSA ensures that the collection, use, and maintenance of PII for implementing the National Registry final rule is relevant to the purposes for which it is to be used and, to the extent necessary for those purposes, it is accurate, complete, and up to date.

FMCSA has taken reasonable steps to confirm the accuracy of PII in the National Registry. This is accomplished by having a screen displayed for the ME to verify and confirm the accuracy of the information that he or she has entered. When an ME candidate reports for his or her certification test, the ME must provide an acceptable form of photo ID (e.g. State Driver's license, passport, etc.) and the test center notes the type of documentation presented. The ME must also show to the test center his or her current State medical license and provide proof of completing the required training program. The test center confirms the ME's medical license information against information maintained in the National Registry. In addition, FMCSA verifies the ME's medical license with the appropriate State systems.

MEs enter their national registry number on the MECs and when drivers present their MECs to their employers, the employers use the national registry number to confirm that the drivers were examined by a ME on the National Registry, as required by 49 CFR § 391.23(m)(1). MEs submit a CMV Driver Medical Examination Results Form, MCSA-5850, for each medical exam they conduct through their individual password-protected web account on the National Registry system. The National Registry system merges the ME's PII data elements to each MCSA-5850 submitted in order to capture all information collected on the MEC.

The update to this PIA based on the Medical Examiner's Certification Integration final rule suggests that MEs allow and encourage all drivers to review their information that will be collected for reporting to FMCSA via the CMV Driver Medical Examination Results Form, MCSA-5850, prior to data entry and submission to the National Registry system. This review reduces data entry errors that are transmitted to the National Registry and then to the States potentially hindering delivery of the MEC information to the intended CDLIS driver record.

## Security

*DOT shall implement administrative, technical, and physical measures to protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.*

In this section changes have been made because FMCSA will be electronically transmitting MEC information for CLP/CDL applicants/holders, as well as medical variance information for all CMV drivers, from the National Registry system to the SDLAs via CDLIS.

PII is protected by reasonable security safeguards against loss or unauthorized access, destruction, usage, modification, or disclosure. These safeguards incorporate standards and practices required for Federal information systems under the Federal Information System Management Act and are detailed in Federal Information Processing Standards Publication 200, Minimum Security Requirements for Federal Information and Information Systems, dated March 2006, NIST Special Publication 800-53 Rev. 4, and Security and Privacy Controls for Federal Information Systems and Organizations, dated April 2013. FMCSA has a comprehensive information security program that



contains management, operational, and technical safeguards that are appropriate for the protection of PII. These safeguards are designed to achieve the following objectives:

- Ensure the security, integrity, and confidentiality of PII
- Protect against any reasonably anticipated threats or hazards to the security or integrity of PII
- Protect against unauthorized access to or use of PII

Records in the National Registry system are safeguarded in accordance with applicable rules and policies, including all applicable DOT automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in the registry is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances and permissions. All records in the National Registry system at DOT's Volpe Center and data at FMCSA contractor sites are protected from unauthorized access through appropriate administrative, physical, and technical safeguards. All access to the National Registry system is logged and monitored.

FMCSA has developed secure processes for the transmission of information, records control and repository, and the ability to retrieve and search records. A secure information system and web interface is being used, by which each ME registered in the National Registry receives a unique login ID and password upon his or her acceptance into the National Registry. MEs and MEAAs are able to access this information system but limited to only view, edit, and change the ME's own identification, contact, medical credential, employer contact, and training information; request voluntary removal from the National Registry; and to securely submit the required CMV driver medical examination results data. A secure web service incorporating ws-security framework to perform authentication and authorization is used for third parties that provide bulk upload services to certified MEs.

Testing organizations also have password-protected access to the secure information system and web interface, limited to view and verify the ME's eligibility to take the certification test. Testing organizations that offer online testing provide a means to authenticate the identity of the person taking the test, to monitor the activity of the person taking the test, and to prevent the person taking the test from reproducing the contents of the test, as required by § 390.107(b). Testing organizations develop policies and procedures when using automated monitoring online systems. These policies and procedures are presented to each candidate taking the test. Testing organizations submit their procedures to FMCSA as part of their application to become an approved testing organization. FMCSA conducts security assessments of testing organizations' data systems, including site visits, to ensure protection of PII before approving them to administer the certification test.

Logical access controls restrict users of the National Registry. These controls are guided by the principles of least privilege and need to know. Role-based user accounts are created with specific job functions allowing only authorized accesses, which are necessary to accomplish assigned tasks in accordance with compelling operational needs and business functions of the National Registry. Any changes to user roles require approval of the System Manager.

The National Registry maintains an auditing function that tracks all user activities in relation to data, including access and modification. Through technical controls including firewalls, intrusion detection, encryption, access control lists, and other security methods, FMCSA prevents unauthorized access to data stored in the National Registry. These controls meet federally mandated information assurance and privacy requirements.

FMCSA personnel and FMCSA contractors attend mandatory security and privacy awareness training and role-based training offered by DOT/FMCSA. This allows individuals with varying roles to understand and retain knowledge of how to properly and securely act in situations where they may use PII in the course of performing their duties. No access is allowed to the National Registry prior to receiving the necessary clearances and security and privacy training as required by DOT/FMCSA.

The National Registry system is approved through the Security Authorization Process under the National Institute of Standards and Technology. The National Registry system was last authorized in April 2012 and is currently in the continuous monitoring phase.

The update to this PIA based on the Medical Examiner's Certification Integration final rule includes the sharing of MEC and medical variance information from the NR to the SDLAs via CDLIS<sup>16</sup>.

### **Accountability and Auditing**

*DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.*

As stated in the NPRM PIA, FMCSA is responsible for identifying, training, and holding FMCSA employees and contractors accountable for adhering to FMCSA privacy and security policies and regulations. FMCSA follows the Fair Information Practice Principles as best practices for the protection of PII associated with the implementation of the National Registry. In addition to these practices, additional policies and procedures are consistently applied, especially as they relate to protection, retention, and destruction of records. Federal and contract employees are given clear guidance in their duties as they relate to collecting, using, processing, and securing privacy data. Guidance is provided in the form of mandatory annual security and privacy awareness training as well as the DOT/FMCSA Rules of Behavior. The FMCSA Information System Security Officer and FMCSA Privacy Officer conduct periodic security and privacy compliance reviews of the National Registry System consistent with the requirements of the Office of Management and Budget (OMB) Circular A-130, Section 8b(3), Securing Agency Information Systems.

### **Responsible Official**

Charles A. Horan III  
Director, Office of Carrier, Driver, and Vehicle, Safety Standards  
Federal Motor Carrier Safety Administration

### **Approval and Signature**

Claire W. Barrett  
Chief Privacy & Information Asset Officer  
Office of the Chief Information Officer  
U.S. Department of Transportation

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<sup>16</sup> CDLIS is not a Federal "system of records," as defined by the Privacy Act of 1974 (5U.S.C. §552a), because the records in CDLIS are not controlled by DOT. CDLIS is operated by the American Association of Motor Vehicle Administrators (AAMVA) on behalf of the SDLAs. The data from the CDLIS database is the authoritative source of CDL records for each SDLA and are wholly maintained by the SDLAs.

## Appendix A - Forms used in support of the National Registry and Medical Examiner's Certification Integration Final Rule MCSA-5850, CMV Driver Medical Examination Results

TCMV Driver Medical Examination Results Form, MCSA-5850, is an electronic form completed by the certified ME and electronically transmitted to the National Registry for each CMV driver examination conducted.

Form MCSA-5850 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

**Public Burden Statement**

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 2 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-FRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



U.S. Department of Transportation  
Federal Motor Carrier  
Safety Administration

### CMV Driver Medical Examination Results Form

**You are required to submit the following driver medical examination data for each physical examination performed by midnight (local time) of the next calendar day.**


CMV Driver Name and Address (use Legal Name as listed on Government-Issued Identification)	
First Name: _____	Middle Name: _____ <small>(enter 'NMN' if driver does not have a middle name)</small>
Last Name: _____	Suffix (Jr, Sr, III, etc.): _____ <small>(optional)</small>
Street: _____	City: _____ State/Province: _____ Zip Code: _____ E-mail: _____
CMV Driver's License Information	
Number: _____	Issuing State/Province: _____ Date of Birth: _____ <small>(use mm/dd/yyyy format)</small>
CLP/CDL Applicant/Holder: <input type="radio"/> Yes <input type="radio"/> No	
Examination Information (please complete only one of the Examination Information sections below)	
Examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49): <b>or</b> Examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49), with any applicable state variances:	
Examination Result: <input type="radio"/> Medically Qualified Date MEC signed/issued: _____ <small>(use mm/dd/yyyy format)</small>	Examination Date: _____ <small>(use mm/dd/yyyy format)</small>
<input type="radio"/> Medically Unqualified Date of examination/determination: _____ <small>(use mm/dd/yyyy format)</small>	Examination Result: <input type="radio"/> Medically Qualified <input type="radio"/> Incomplete Examination
<input type="radio"/> Pending Determination Date of examination: _____ <small>(use mm/dd/yyyy format)</small>	Medical Examiner's Certificate Expiration Date: _____ <small>(applicable when "Medically Qualified" is selected above) (use mm/dd/yyyy format)</small>
<input type="radio"/> Incomplete Examination Date of examination: _____ <small>(use mm/dd/yyyy format)</small>	
Medical Examiner's Certificate Expiration Date: _____ <small>(applicable when "Medically Qualified" is selected above) (use mm/dd/yyyy format)</small>	
Restrictions and Variances (check all that apply)	
<input type="checkbox"/> Wearing corrective lenses	<input type="checkbox"/> Accompanied by a Skill Performance Evaluation Certificate (SPE)
<input type="checkbox"/> Wearing hearing aid	<input type="checkbox"/> Driving within an exempt intracity zone (49 CFR 391.62) (Federal)
<input type="checkbox"/> Accompanied by a waiver/exemption Type of waiver/exemption: <input type="checkbox"/> vision <input type="checkbox"/> diabetes <input type="checkbox"/> other	<input type="checkbox"/> Qualified by operation of (49 CFR 391.64) (Federal)
If "other," please explain: _____	<input type="checkbox"/> Grandfathered from State requirements (State)

Medical Examination Report Form (MER), MCSA-5875

The Medical Examination Report Form (MER), MCSA-5875 is completed and retained by the certified ME for each CMV driver examination conducted.

Form MCSA-5875 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

 <p>U.S. Department of Transportation Federal Motor Carrier Safety Administration</p>	<p><b>Public Burden Statement</b> A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 25 minutes per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-FRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.</p>
<p><b>Medical Examination Report Form</b> (for Commercial Driver Medical Certification)</p>	

<p><b>PRIVACY ACT STATEMENT:</b> <i>This statement is provided pursuant to the Privacy Act of 1974, 5 USC § 552a.</i></p> <p><b>AUTHORITY:</b> Title 49, United States Code (USC), <a href="#">49 USC 31133(a)(8)</a> and <a href="#">31149(c)(1)(E)</a>.</p> <p><b>PURPOSE:</b> To record results of a driver's physical examination, to determine qualification to operate a commercial motor vehicle (CMV), and to promote driver health in interstate commerce according to the requirements in <a href="#">49 CFR 391.41-49</a>. Providing this information is mandatory. If this information is not provided, the medical examiner will not be able to determine qualification to operate a CMV in interstate commerce according to the requirements in <a href="#">49 CFR 391.41-49</a>. To record results of a driver's physical examination and to determine qualification to operate a CMV in intrastate commerce when the driver is required by a State to be examined by a medical examiner listed on the National Registry of Certified Medical Examiners in accordance with the provisions of <a href="#">49 CFR 391.41-49</a> and any variances from the physical qualification standards adopted by such State.</p> <p>Medical examiners are required to complete the Medical Examination Report Form for every driver physical examination performed in accordance with <a href="#">49 CFR 391.41</a>. Each original (paper or electronic) completed Medical Examination Report Form must be retained on file at the office of the medical examiner for at least 3 years from the date of examination. The medical examiner must make all records and information in these files available to an authorized representative of FMCSA or an authorized Federal, State, or local enforcement agency representative, within 48 hours after the request is made (<a href="#">49 CFR 391.430</a>).</p> <p><b>ROUTINE USES:</b> The information is used for the purpose set forth above and may be forwarded to Federal, State, or local law enforcement agencies for their use. Medical Examination Report Forms collected by FMCSA will be stored in FMCSA's automated National Registry of Certified Medical Examiners System and will be used to monitor the performance of medical examiners listed on the National Registry.</p> <p>In addition to those disclosures permitted under <a href="#">5 USC 552a(b)</a> of the Privacy Act of 1974, additional disclosures may be made in accordance with the U.S. Department of Transportation (DOT) Prefatory Statement of General Routine Uses published in the Federal Register on December 29, 2010 (<a href="#">75 FR 82132</a>), under "Prefatory Statement of General Routine Uses" (available at <a href="http://www.dot.gov/privacy/privacyactnotices">http://www.dot.gov/privacy/privacyactnotices</a>).</p> <p><b>ACKNOWLEDGMENT:</b> <i>I understand the provisions of the Privacy Act of 1974 as related to me through the above-mentioned statement.</i></p> <p>CMV Driver Signature: _____ Date: _____</p>	<p><b>MEDICAL RECORD #</b></p> <p>_____</p> <p><i>(or sticker)</i></p>
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**SECTION 1. Driver Information** *(to be filled out by the driver)*

PERSONAL INFORMATION					
Last Name: _____	First Name: _____	Middle Initial: _____	Date of Birth: _____	Age: _____	
Address: _____		City: _____	State/Province: _____	Zip Code: _____	
Driver's License Number: _____		Issuing State/Province: _____	Phone: _____	Gender: <input type="radio"/> M <input type="radio"/> F	
CLP/CDL Applicant/Holder*? <input type="radio"/> Yes <input type="radio"/> No Driver ID Verified By**:					
Has your USDOT/FMCSA medical certificate ever been denied or issued for less than 2 years? <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure					

\*CLP/CDL Applicant/Holder Yes/No See instructions for definitions.

\*\*Driver ID Verified By: Record what type of photo ID was used to verify the identity of the driver, e.g., CDL, driver's license, passport.

DRIVER HEALTH HISTORY	
Have you ever had surgery? If "yes," please list and explain below.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure
Are you currently taking medications <i>(prescription, over-the-counter, herbal remedies, diet supplements)</i> ? If "yes," please describe below.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Not Sure
<i>(Attach additional sheets if necessary)</i>	

Form MCSA-5875 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ DOB: \_\_\_\_\_ Exam Date: \_\_\_\_\_

**DRIVER HEALTH HISTORY** *(continued)*

Do you have or have your ever had:	Not				Not		
	Yes	No	Sure		Yes	No	Sure
1. Head/brain injuries or illnesses (e.g., concussion)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	16. Dizziness, headaches, numbness, tingling, or memory loss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. Seizures, epilepsy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	17. Unexplained weight loss	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. Eye problems (except glasses or contacts)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	18. Stroke, mini-stroke (TIA), paralysis, or weakness	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Ear and/or hearing problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	19. Missing or limited use of arm, hand, finger, leg, foot, toe	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Heart disease, heart attack, bypass, or other heart problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	20. Neck or back problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
6. Pacemaker, stents, implantable devices, or other heart procedures	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	21. Bone, muscle, joint, or nerve problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
7. High blood pressure	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	22. Blood clots or bleeding problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. High cholesterol	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	23. Cancer	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. Chronic (long-term) cough, shortness of breath, or other breathing problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	24. Chronic (long-term) infection or other chronic diseases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. Lung disease (e.g., asthma)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	25. Sleep disorders, pauses in breathing while asleep, daytime sleepiness, loud snoring	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. Kidney problems, kidney stones, or pain/problems with urination	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	26. Have you ever had a sleep test (e.g., sleep apnea)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. Stomach, liver, or digestive problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	27. Have you ever spent a night in the hospital?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. Diabetes or blood sugar problems Insulin used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	28. Have you ever had a broken bone?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. Anxiety, depression, nervousness, other mental health problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	29. Have you ever used or do you now use tobacco?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. Fainting or passing out	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	30. Do you currently drink alcohol?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				31. Have you used an illegal substance within the past two years?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
				32. Have you ever failed a drug test or been dependent on an illegal substance?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other health condition(s) not described above:  Yes  No  Not Sure

Did you answer "yes" to any of questions 1-32? If so, please comment further on those health conditions below.  Yes  No  Not Sure

*(Attach additional sheets if necessary)*

**CMV DRIVER SIGNATURE**

I certify that the above information is accurate and complete. I understand that inaccurate, false or missing information may invalidate the examination and my Medical Examiner's Certificate, that submission of fraudulent or intentionally false information is a violation of [49 CFR 390.35](#), and that submission of fraudulent or intentionally false information may subject me to civil or criminal penalties under [49 CFR 390.37](#) and [49 CFR 386](#) Appendices A and B.

CMV Driver Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 2. Examination Report** *(to be filled out by the medical examiner)*

**DRIVER HEALTH HISTORY REVIEW**

*Review and discuss pertinent driver answers and any available medical records. Comment on the driver's responses to the "health history" questions that may affect the driver's safe operation of a commercial motor vehicle (CMV).*

*(Attach additional sheets if necessary)*

Form MCSA-5875 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ DOB: \_\_\_\_\_ Exam Date: \_\_\_\_\_

**TESTING**

Pulse rate: \_\_\_\_\_ Pulse rhythm regular:  Yes  No Height: \_\_\_\_\_ feet \_\_\_\_\_ inches Weight: \_\_\_\_\_ pounds

Blood Pressure	Systolic	Diastolic	Urinalysis	Sp. Gr.	Protein	Blood	Sugar
----------------	----------	-----------	------------	---------	---------	-------	-------

Sitting	Urinalysis is required. Numerical readings must be recorded.						
Second reading (optional)							

Other testing if indicated \_\_\_\_\_  
*Protein, blood, or sugar in the urine may be an indication for further testing to rule out any underlying medical problem.*

**Vision**  
 Standard is at least 20/40 acuity (Snellen) in each eye with or without correction. At least 70° field of vision in horizontal meridian measured in each eye. The use of corrective lenses should be noted on the Medical Examiner's Certificate.

Acuity	Uncorrected	Corrected	Horizontal Field of Vision	Check if hearing aid used for test: <input type="radio"/> Right Ear <input type="radio"/> Left Ear <input type="radio"/> Neither	
Right Eye:	20/ _____	20/ _____	Right Eye: _____ degrees	<b>Whisper Test Results</b>	Right Ear Left Ear
Left Eye:	20/ _____	20/ _____	Left Eye: _____ degrees	Record distance (in feet) from driver at which a forced whispered voice can first be heard _____	
Both Eyes:	20/ _____	20/ _____	<b>Yes No</b>	<b>OR</b>	

Applicant can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors  Yes  No

Monocular vision  Yes  No

Referred to ophthalmologist or optometrist?  Yes  No

Received documentation from ophthalmologist or optometrist?  Yes  No

**Audiometric Test Results**

Right Ear			Left Ear		
500 Hz	1000 Hz	2000 Hz	500 Hz	1000 Hz	2000 Hz
_____	_____	_____	_____	_____	_____
Average (right): _____			Average (left): _____		

**PHYSICAL EXAMINATION**

The presence of a certain condition may not necessarily disqualify a driver, particularly if the condition is controlled adequately, is not likely to worsen, or is readily amenable to treatment. Even if a condition does not disqualify a driver, the Medical Examiner may consider deferring the driver temporarily. Also, the driver should be advised to take the necessary steps to correct the condition as soon as possible, particularly if neglecting the condition could result in a more serious illness that might affect driving.

Check the body systems for abnormalities.

Body System	Normal	Abnormal	Body System	Normal	Abnormal
1. General	<input type="radio"/>	<input type="radio"/>	8. Abdomen	<input type="radio"/>	<input type="radio"/>
2. Skin	<input type="radio"/>	<input type="radio"/>	9. Genito-urinary system including hernias	<input type="radio"/>	<input type="radio"/>
3. Eyes	<input type="radio"/>	<input type="radio"/>	10. Back/Spine	<input type="radio"/>	<input type="radio"/>
4. Ears	<input type="radio"/>	<input type="radio"/>	11. Extremities/joints	<input type="radio"/>	<input type="radio"/>
5. Mouth/throat	<input type="radio"/>	<input type="radio"/>	12. Neurological system including reflexes	<input type="radio"/>	<input type="radio"/>
6. Cardiovascular	<input type="radio"/>	<input type="radio"/>	13. Gait	<input type="radio"/>	<input type="radio"/>
7. Lungs/chest	<input type="radio"/>	<input type="radio"/>	14. Vascular system	<input type="radio"/>	<input type="radio"/>

Discuss any abnormal answers in detail in the space below and indicate whether it would affect the driver's ability to operate a CMV. Enter applicable item number before each comment.

(Attach additional sheets if necessary)

Form MCSA-5875 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Middle Initial: \_\_\_\_\_ DOB: \_\_\_\_\_ Exam Date: \_\_\_\_\_

**Please complete only one of the Medical Examiner Determination sections below:**

**MEDICAL EXAMINER DETERMINATION (Federal)**  
*Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49):*

Does not meet standards (specify reason): \_\_\_\_\_

Meets standards in [49 CFR 391.41](#); qualifies for 2-year certificate

Meets standards, but periodic monitoring required (specify reason): \_\_\_\_\_

Driver qualified for:  3 months  6 months  1 year  other: \_\_\_\_\_

Wearing corrective lenses  Wearing hearing aid  Accompanied by a waiver/exemption (specify type): \_\_\_\_\_

Accompanied by a Skill Performance Evaluation (SPE) certificate  Qualified by operation of [49 CFR 391.64](#)

Driving within an exempt intracity zone (see [49 CFR 391.62](#))

Determination pending (specify reason): \_\_\_\_\_

Return to medical exam office for follow-up on (must be 45 days or less): \_\_\_\_\_

Medical Examination Report amended (specify reason): \_\_\_\_\_

(if amended) Medical Examiner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Incomplete examination (specify reason): \_\_\_\_\_

**If the driver meets the standards outlined in [49 CFR 391.41](#), then complete a Medical Examiner's Certificate as stated in [49 CFR 391.43\(h\)](#), as appropriate.**

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner Signature: \_\_\_\_\_ Medical Examiner Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner's State License, Certificate, or Registration Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

MD  DO  Physician Assistant  Chiropractor  Advanced Practice Nurse  Other Practitioner

National Registry Number: \_\_\_\_\_ Medical Examiner's Certificate Expiration Date: \_\_\_\_\_

**MEDICAL EXAMINER DETERMINATION (State)**  
*Use this section for examinations performed in accordance with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations):*

Meets standards in [49 CFR 391.41](#) with any applicable State variances

Meets standards, but periodic monitoring required (specify reason): \_\_\_\_\_

Driver qualified for:  3 months  6 months  1 year  other: \_\_\_\_\_

Wearing corrective lenses  Wearing hearing aid  Accompanied by a waiver/exemption (specify type): \_\_\_\_\_

Accompanied by a Skill Performance Evaluation (SPE) certificate  Grandfathered from State requirements

**If the driver meets the standards outlined in [49 CFR 391.41](#), with applicable State variances, then complete a Medical Examiner's Certificate, as appropriate.**

I have performed this evaluation for certification. I have personally reviewed all available records and recorded information pertaining to this evaluation, and attest that to the best of my knowledge, I believe it to be true and correct.

Medical Examiner Signature: \_\_\_\_\_ Medical Examiner Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Examiner's State License, Certificate, or Registration Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

MD  DO  Physician Assistant  Chiropractor  Advanced Practice Nurse  Other Practitioner

National Registry Number: \_\_\_\_\_ Medical Examiner's Certificate Expiration Date: \_\_\_\_\_

Instructions MCSA-5875 (Revised: 02/18/2014)

## Instructions for Completing the Medical Examination Report Form (MCSA-5875)

### I. Step-By-Step Instructions

#### Driver:

**Privacy Act Statement** - Please read, sign and date the Statement acknowledging that you understand the provisions of the Privacy Act of 1974 as written.

#### Section 1: Driver information

- **Personal Information:** Please complete this section using your name as written on your driver's license, your current address and phone number, your date of birth, age, gender, driver's license number and issuing state.
  - **CDL/CLP Applicant/Holder:** Check "yes" if you are a commercial driver's license or commercial learner's permit holder, or are applying for a CDL or CLP. Commercial driver's license (CDL) means a license issued by a State or the District of Columbia which authorizes the individual to operate a class of a commercial motor vehicle (CMV). A CMV that requires a CDL is one that: (1) has a gross combination weight rating or gross combination weight of 26,001 pounds or more inclusive of a towed unit with a gross vehicle weight rating (GVWR) or gross vehicle weight (GVW) of more than 10,000 pounds; or (2) has a GVWR or GVW of 26,001 pounds or more; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is used to transport either hazardous materials requiring hazardous materials placards on the vehicle or any quantity of a select agent or toxin.
  - **Driver ID Verified By:** The Medical Examiner/staff completes this item and notes the type of photo ID used to verify the driver's identity such as, commercial driver's license, driver's license, or passport, etc.
  - **Question: Has your USDOT/FMCSA medical certificate ever been denied or issued for less than two years?** Please check the correct box "yes" or "no" and if you aren't sure check the "not sure" box.
- **Driver Health History:**
  - **Have you ever had surgery:** Please check "yes" if you have ever had surgery and provide a written explanation of the details (type of surgery, date of surgery, etc.)
  - **Are you currently taking medications (prescription, over-the-counter, herbal remedies, diet supplements):** Please check "yes" if you are taking any diet supplements, herbal remedies, or prescription or over the counter medications. In the box below the question, indicate the name of the medication and the dosage.
  - **#1-32:** Please complete this section by checking the "yes" box to indicate that you have, or have ever had, the health condition listed or the "No" box if you have not. Check the "not sure" box if you are unsure.
  - **Other Health Conditions not described above:** If you have, or have had, any other health conditions not listed in the section above, check "Yes" and in the box provided and list those condition(s).
  - **Any yes answers to questions #1-32 above:** If you have answered "yes" to any of the questions in the Driver Health History section above, please explain your answers further in the box below the question. For example, if you answered "yes" to question #5 regarding heart disease, heart attack, bypass, or other heart problem, indicate which type of heart condition. If you checked "yes" to question #23 regarding cancer, indicate the type of cancer. Please add any information that will be helpful to the Medical Examiner.
- **CMV Driver Signature and Date:** Please read the certification statement, sign and date it, indicating that the information you provided in Section 1 is accurate and complete.



Instructions MCSA-5875 (Revised: 02/18/2014)

## Medical Examiner:

### Section 2: Examination Report

- **Driver Health History Review:** Review answers provided by the driver in the driver health history section and discuss any “yes” and “not sure” responses. In addition, be sure to compare the medication list to the health history responses ensuring that the medication list matches the medical conditions noted. Explore with the driver any answers that seem unclear. Record any information that the driver omitted. As the Medical Examiner conducting the driver's physical examination you are required to complete the entire medical examination even if you detect a medical condition that you consider disqualifying, such as deafness. Medical Examiners are expected to determine the driver's physical qualification for operating a commercial vehicle safely. Thus, if you find a disqualifying condition for which a driver may receive a Federal Motor Carrier Safety Administration medical exemption, please record that on the driver's Medical Examiner's Certificate, Form MCSA-5876, as well as on the Medical Examination Report Form, MCSA-5875.
- **Testing:**
  - **Pulse rate and rhythm, height, and weight:** record these as indicated on the form.
  - **Blood Pressure:** record the blood pressure (systolic and diastolic) of the driver being examined. A second reading is optional and should be recorded if found to be necessary.
  - **Urinalysis:** record the numerical readings for the specific gravity, protein, blood and sugar.
  - **Vision:** The current vision standard is provided on the form. When other than the Snellen chart is used, give test results in Snellen-comparable values. When recording distance vision, use 20 feet as normal. Record the vision acuity results and indicate if the driver can recognize and distinguish among traffic control signals and devices showing red, green, and amber colors; has monocular vision; has been referred to an ophthalmologist or optometrist; and if documentation has been received from an ophthalmologist or optometrist.
  - **Hearing:** The current hearing standard is provided on the form. Hearing can be tested using either a whisper test or audiometric test. Record the test results in the corresponding section for the test used.
- **Physical Examination:** Check the body systems for abnormalities and indicate normal or abnormal for each body system listed. Discuss any abnormal answers in detail in the space provided and indicate whether it would affect the driver's ability to safely operate a commercial motor vehicle.

*In this next section, you will be completing either the Federal or State determination, not both.*

- **Medical Examiner Determination (Federal):** Use this section for examinations performed in accordance with the FMCSRs ([49 CFR 391.41-391.49](#)). Complete the medical examiner determination section completely. When determining a driver's physical qualification, please note that English language proficiency ([49 CFR part 391.11](#), General qualifications of drivers) is not factored into that determination.
  - **Does not meet standards:** Select this option when a driver is determined to be not qualified and provide an explanation of why the driver does not meet the standards in [49 CFR 391.41](#).
  - **Meets standards in 49 CFR 391.41; qualifies for 2-year certification:** Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner's Certificate.

Instructions MCSA-5875 (Revised: 02/18/2014)

- **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.
  - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, driving within an exempt intracity zone, etc.).
- **Determination pending:** Select this option when more information is needed to make a qualification decision and specify a date, on or before the 45 day expiration date, for the driver to return to the medical exam office for follow-up. This will allow for a delay of the qualification decision for as many as 45 days. If the disposition of the pending examination is not updated via the National Registry on or before the 45 day expiration date, FMCSA will notify the examining medical examiner and the driver in writing that the examination is no longer valid and that the driver is required to be re-examined.
  - **MER amended:** A Medical Examination Report Form (MER), MCSA-5875, may only be amended while in determination pending status for situations where new information (e.g., test results, etc.) has been received or there has been a change in the driver's medical status since the initial examination, but prior to a final qualification determination. Select this option when a Medical Examination Report Form, MCSA-5875, is being amended; provide the reason for the amendment, sign and date. In addition, initial and date any changes made on the Medical Examination Report Form, MCSA-5875. A Medical Examination Report Form, MCSA-5875, cannot be amended after an examination has been in determination pending status for more than 45 days or after a final qualification determination has been made. The driver is required to obtain a new physical examination and a new Medical Examination Report Form, MCSA-5875, should be completed.
- **Incomplete examination:** Select this when the physical examination is not completed for any reason (e.g., driver decides they do not want to continue with the examination and leaves) other than situations outlined under determination pending.
- **Medical Examiner information, signature and date:** Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, Medical Examiner's Certificate expiration date, signature and date.
- **Medical Examiner Determination (State):** Use this section for examinations performed in accordance with the FMCSRs ([49 CFR 391.41-391.49](#)) with any applicable State variances (which will only be valid for intrastate operations). Complete the medical examiner determination section completely.
  - **Meets standards in 49 CFR 391.41 with any applicable State variances:** Select this option when a driver is determined to be qualified and will be issued a 2-year Medical Examiner's Certificate.
  - **Meets standards, but periodic monitoring is required:** Select this option when a driver is determined to be qualified but needs periodic monitoring and provide an explanation of why periodic monitoring is required. Select the corresponding time frame that the driver is qualified and if selecting other, specify the time frame.
    - **Determination that driver meets standards:** Select all categories that apply to the driver's certification (e.g., wearing corrective lenses, accompanied by a waiver/exemption, etc.).
  - **Incomplete examination:** Select this when the physical examination is not completed for any reason (e.g., driver decides they do not want to continue with the examination and leaves).
  - **Medical Examiner information, signature and date:** Provide your name, address, phone number, occupation, license, certificate, or registration number and issuing state, national registry number, Medical Examiner's Certificate expiration date, signature and date.

Instructions MCSA-5875 (Revised: 02/18/2014)

- II. If updating an existing exam, you must resubmit the new exam results, via the Medical Examination Results Form, MCSA-5850 to the National Registry, and the most recent dated exam will take precedence.**
- III. To obtain additional information regarding this form go to the Medical Program's page on the Federal Motor Carrier Safety Administration's website at <http://www.fmcsa.dot.gov/regulations/medical>.**



Medical Examiner's Certificate (MEC), Form MCSA-5876

The Medical Examiner's Certificate (MEC), Form MCSA-5876 is completed by the certified ME for each CMV driver examination conducted.

Form MCSA-5876 (Revised: 04/24/2015)

OMB No. 2126-0006 Expiration Date:

**Public Burden Statement**

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2126-0006. Public reporting for this collection of information is estimated to be approximately 1 minute per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Motor Carrier Safety Administration, MC-PRA, 1200 New Jersey Avenue, SE, Washington, D.C. 20590.



U.S. Department of Transportation  
Federal Motor Carrier  
Safety Administration

**Medical Examiner's Certificate**  
(for Commercial Driver Medical Certification)

I certify that I have examined **Last Name:** \_\_\_\_\_ **First Name:** \_\_\_\_\_ in accordance with *(please check only one):*

- the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply)* **OR**
- the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.49) with any applicable State variances (which will only be valid for intrastate operations), and, with knowledge of the driving duties, I find this person is qualified, and, if applicable, only when *(check all that apply):*

- Wearing corrective lenses
- Accompanied by a \_\_\_\_\_ waiver/exemption
- Driving within an exempt intracity zone (49 CFR 391.62) *(Federal)*
- Wearing hearing aid
- Accompanied by a Skill Performance Evaluation (SPE) Certificate
- Qualified by operation of 49 CFR 391.64 *(Federal)*
- Grandfathered from State requirements *(State)*

The information I have provided regarding this physical examination is true and complete.  
A complete examination form with any attachment embodies my findings completely and correctly, and is on file in my office.

**Medical Examiner's Certificate Expiration Date**

\_\_\_\_\_

<b>Signature of Medical Examiner</b>	<b>Medical Examiner's Telephone Number</b>	<b>Date Certificate Signed</b>
_____	_____	_____
<b>Medical Examiner Name <i>(please print or type)</i></b>	<input type="radio"/> MD <input type="radio"/> Physician Assistant <input type="radio"/> Advanced Practice Nurse <input type="radio"/> DO <input type="radio"/> Chiropractor <input type="radio"/> Other Practitioner <i>(specify)</i> _____	
<b>Medical Examiner's State License, Certificate, or Registration Number</b>	<b>Issuing State</b>	<b>National Registry Number</b>
_____	_____	_____

<b>Signature of Driver</b>	<b>Driver's License Number</b>	<b>Issuing State/Province</b>
_____	_____	_____
<b>Address of Driver</b>	<b>CLP/CDL Applicant/Holder</b>	
Street: _____ City: _____	State/Province: _____ Zip Code: _____	<input type="radio"/> Yes <input type="radio"/> No

DOT PRIV

## Appendix B – Collection of PII

Below is a description of the PII collected in support of the National Registry. All PII collected as part of the National Registry of Certified Medical Examiners final rule is followed by additional and/or changes in the PII collected as part of the Medical Examiner's Certification Integration final rule.

### ME PII Collection

Below is a description of the PII collected from Certified Medical Examiners in support of the National Registry.

#### National Registry of Certified Medical Examiners PII

The following ME PII and business information is collected and maintained by FMCSA in support of the National Registry:

##### *ME PII Collection for Registration and Certification Process*

- Contact Information/Place of Business (physical location where ME will perform licensed CMV driver medical examinations)
  - Full name (first, last, middle initial)
  - Primary email address
  - National registry number assigned by FMCSA
  - Business name
  - Business address
  - Business telephone number
  - Business fax number (optional)
  - Business email address (optional)
  - Business website address (optional)
  - Business hours of operation (optional)
- Employer Information
  - Employer name
  - Employer address
  - Employer telephone number
  - Employer fax number (optional)
  - Employer email address (optional)
- Medical Licensing Information (used to validate medical credentials)
  - Medical profession
  - License, certificate or registration number
  - Medical license State of issue
  - Medical license expiration date

##### *ME PII Collection for Certification Training*

- Training Information
  - Provider name
  - Training provider address or website (optional)
  - Date training completed
  - Training expiration date
  - Organization that accredited the training (optional)
  - Type of training (optional)

*ME PII Collection for Certification Testing*

- Identity verification
  - Type of ME photo ID
  - Expiration date of ME photo ID
  - National registry number issued by FMCSA
  - Medical credential or license
  - Training certification
- Test Information
  - Testing organization name
  - Testing organization ID
  - Test center name
  - Test center ID
  - Test type
  - Test ID
  - Date of certification test
  - Certification test questions
  - Certification test answers
  - Test center grade (pass fail)
  - Test center score (numeric)

*ME PII Collection Regarding Certification Decision/Status*

- FMCSA test grade (pass/fail)
- FMCSA test score (numeric)

As discussed in the National Registry final rule PIA dated August 20, 2012, during the final stage of the National Registry rulemaking process, a decision was made that the following ME PII elements previously discussed in the National Registry NPRM PIA were not needed in support of the implementation of the National Registry final rule. Therefore, the following data elements were removed from or made an optional collection:

- Information on MEs
  - Date of application
  - Job title, if applicable
  - Type of certification (initial, recertification, or reinstatement)
  - Employer fax number (optional)
  - Business fax number (optional)

Medical Examiner's Certification Integration PII*ME PII Collection on the MER Form, MCSA-5875*

The following ME PII is collected and recorded on the MER Form, MCSA-5875 in support of the National Registry:

## ME PII Collection

- ME Information
  - Full Name (first, last, middle initial)
  - Signature
  - Date
  - Address
  - Telephone number

- License, certificate, or registration number
- State issuing license, certificate, or registration
- Healthcare profession
- National registry number
- Expiration of certification

ME PII Collection on the MEC, Form MCSA-5876

The following ME PII is collected and recorded on the MEC, Form MCSA-5876 in support of the National Registry:

*ME PII Collection*

- Identify Verification
  - Full name (first, last, middle initial)
  - Telephone number
  - Signature
  - Healthcare profession
  - Medical license, certificate or registration number
  - State of issue for medical license, certificate, or registration
  - National registry number
  - Date MEC is signed

### **MEAA and Third Party PII Collection**

Below is a description of the PII collected from Certified Medical Examiner designated Administrative Assistants and third parties in support of the National Registry.

National Registry of Certified Medical Examiners PII

The National Registry system collects and maintains the following PII and business information from MEAAs and third parties in support of the National Registry:

*MEAA and Third Party PII Collection to Register with the National Registry System*

- Identity Information
  - Full name (first, last, middle initial)
  - National registry number issued by FMCSA
- ME Business Relationship
  - Business address
  - Business telephone number
  - Business email address
  - Business website link information (optional)
  - Name of certified ME that designated the AA
  - National registry number of certified ME that designated the AA

## CMV Driver PII Collection

Below is a description of the PII collected from CMV drivers in support of the National Registry.

### National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and maintained by FMCSA in support of the National Registry:

*CMV Drivers PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850*

- Identity Verification
  - Full name (first, last, middle initial)
  - Date of birth
- State Driver's License
  - License number
  - License issuing State
  - CDL status
- Medical Examination Results
  - Date of examination
  - Examination Result (medically qualified according to FMCSRs, medically qualified according to FMCSRs with any applicable State variances, medically unqualified, pending determination, incomplete examination)
  - Certificate expiration date
  - Driver restrictions/variances
  - Driver waiver/exemption type

As discussed in the National Registry final rule PIA dated August 20, 2012, during the final stage of the National Registry rulemaking process, a decision was made that the following CMV driver PII previously discussed in the National Registry NPRM PIA were not needed in support of the implementation of the National Registry final rule. Therefore, the following data elements were removed from the MCSA-5850:

- Information on Commercial Motor Vehicle Drivers
  - Medical examination
  - Additional driver information on the MER and MEC
  - Social Security Number
  - Driver's mailing address

### Medical Examiner's Certification Integration PII

*Additional CMV Drivers PII Collection for Reporting Medical Examination Results to the National Registry System via the MCSA-5850*

In addition to the driver data elements listed above under the heading "National Registry of Certified Medical Examiners PII" the Medical Examiner's Certification Integration final rule requires the collection of the following additional CMV driver information on the MCSA-5850 in support of the National Registry:

- Driver's mailing address (not a new collection, has always been collected on MER and MEC)



- Driver's email address (optional)

*CMV Driver PII Collection on the MER Form, MCSA-5875*

National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and recorded on the MER Form, MCSA-5875 in support of the National Registry:

Information on the CMV Driver Examined

- Identity Verification
  - Full name (first, last, middle initial)
  - Date of Birth
  - Age
  - Gender
  - Mailing address
  - Contact telephone number(s)
  - Type of photo ID used to verify identity of driver
- State Driver's License
  - License number
  - License state of issue
  - CDL status
  - Driver ID verification

Information on the Medical Examination of the CMV Driver

- Medical Examination Information
  - Driver health history
  - Test results (blood pressure, urinalysis, vision, hearing, etc.)
  - Examination results of body systems (skin, eyes, ears, heart, etc.)
- ME Determination
  - Medical qualification decision (medically qualified according to FMCSRs, medically qualified according to FMCSRs with any applicable State variances, medically unqualified, pending determination, incomplete examination)
  - Driver restrictions/variances

*CMV Driver PII Collection on the MEC, Form MCSA-5876*

National Registry of Certified Medical Examiners PII

The following CMV driver PII is collected and recorded on the MEC, Form MCSA-5876 in support of the National Registry:

CMV Driver PII Collection

- Identity Verification
  - Full name (first, last, middle initial)
  - Mailing address
- State Driver's License
  - License number
  - License issuing State
  - CDL status

- Medical Examination
  - Examination Result (medically qualified according to FMCSRs or medically qualified according to FMCSRs with any applicable State variances)
  - Certificate expiration date
  - Driver restrictions/variances
  - Driver waiver/exemption type

#### CMV Driver PII Collection for Medical Variances

The following CMV driver PII is collected and maintained in support of the National Registry:

CMV Driver PII Collection for Medical Variances\_(exemptions, skills performance evaluation certificates and grandfathered exemptions)

- Medical Variance
  - Driver's Full Name
  - Driver's Date of Birth
  - Driver variance type (diabetes, vision, hearing, seizure, SPE, etc.)
  - Driver variance issue date
  - Driver variance expiration date

## APPENDIX C – Revised Records Control Schedule for the National Registry

The revised records control schedule has been submitted to NARA under job number DAA-0557-2015-0001.

1. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners - records will be retained for the time the ME is on the National Registry plus 6 years following removal from the National Registry

Includes:

- Contact information
- Employer Information
- Medical Licensing Information
- Identity verification information
- Training Information
- Testing Information
- Certification decision/status information
- Certification expiration
- CMV Driver Medical Examination Results Forms (MCSA-5850) submitted by the ME

2. National Registry Personally Identifiable Information (PII) and National Registry Records of Certified Medical Examiners that have been voluntary or involuntarily removed from the National Registry – records will be retained for 6 years following removal from the National Registry

Includes:

- Contact information
- Employer Information
- Medical Licensing Information
- Identity verification information
- Training Information
- Testing Information
- Certification decision/status information
- Certification expiration
- CMV Driver Medical Examination Results Forms (MCSA-5850) submitted by the ME

3. National Registry Personally Identifiable Information (PII) of Medical Examiners that are registered but have not completed the certification process or are ineligible for certification by DOT – records will be retained for 1 year after registering with the National Registry

Could include any portion of or all of the following:

- Contact information

- Employer Information
  - Medical Licensing Information
  - Identity verification information
  - Training Information
  - Testing Information
  - Certification decision/status/expiration Information
4. National Registry Personally Identifiable Information(PII) of Medical Examiner's Administrative Assistants (MEAAs) designated by a certified ME – records will be retained for 1 year from the date the individual is no longer authorized to perform duties in the National Registry system on behalf of the certified ME
- Includes:
- Identity Information
  - ME business relationship Information
5. National Registry Personally Identifiable Information (PII) and Medical Examination Results of CMV Drivers - records will be retained concurrent with the records of the ME who performed the driver's medical examination (time ME is on National Registry plus 6 years following removal).
- Includes:
- Identity Verification Information
  - Mailing address
  - Email address (optional)
  - State Driver's License Information
  - Medical Examination Results
  - ME Determination Information
  - Medical Exemption Information
6. National Registry Personally Identifiable Information (PII) and Medical Examination Report Records of CMV Drivers – records will be retained for 3 years from the date the medical examination report records are provided to FMCSA
- Includes:
- Identity Verification Information
  - Mailing address
  - Email address (optional)
  - State Driver's License Information
  - Medical Examination Information
  - ME Determination Information
  - Medical Exemption Information