



MANAGING DRIVERS WITH PRESCRIPTION DRUGS

Prescription Drugs and Commercial Motor Vehicle Operation Do Not Always Mix

Our society continues to be challenged with opioid overdoses.

As managers of commercial drivers, we need to be aware of the medications our drivers are taking as they may have a direct effect on their driving skills and operation of a CMV. Prescription medications have increased substantially in the last 50 years.

In 1950, on average each person had two prescriptions dispensed per year. In 1994, 7.9 was the average and in 2018 it increased to 17.6. It is also alarming to see that Hydrocodone, an opiate-based painkiller, was the largest single prescription dispensed in 2004 at 92.7 million prescriptions.

Incidentally, this is one of the five drug groups that are tested for in the [FMCSA Controlled substance-testing program \(https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program\)](https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program).

So, what can you do to guard against prescription drug use in your vehicles?

Communicate with the drivers and be aware of their physical condition. If you know that a driver has been injured on or off work, talk to the driver to see if medications have been prescribed. In work related injuries, make sure the examining physician is aware that the employee operates a CMV as part or their entire job. Go to the examining physician's office with your employee. Contact your Medical Review Officer for your drug and alcohol-testing program for assistance in reviewing the prescription medication.

Develop a relationship with your medical care providers so they understand your employee's job requirements.



https://medqueen.net/some-medicines-and-driving-les/styles/extra_large/public_dont-mix/

Here is a partial list of legal drugs that can - in the right amount - impair your ability to drive.

- Anti-anxiety medication
- Amphetamines
- Barbiturates
- Stimulants
- Narcotic pain medications
- Allergy medicines
- Blood sugar medicines
- Antidepressants
- Tranquilizers
- Blood pressure medicines
- Motion sickness medication
- Ulcer medication
- Antibiotics
- Anti-seizure medicines
- Paregoric
- Anti-nausea medicine
- Sedatives
- Cough syrups
- Alcohol-containing medicines
- Caffeine-containing medicines
- Decongestants

To avoid harming yourself or others, partner with your physician and pharmacist to learn information regarding your medication's side effects, and what drugs are usually safe to combine - especially behind the wheel. Never take more than the prescribed dose, or take anyone else's medicine. Ask for non-sedating forms of your prescriptions if you are a professional driver. Allow your body time to adjust to new medications before you drive. Most importantly, each of us is

responsible for knowing the signs and symptoms of being drug impaired before we get behind the wheel of any vehicle.

[Click here for more information, including side effects of any drug. \(www.drugs.com\)](http://www.drugs.com)

Please see the following FAQs from the [Federal Motor Carrier Safety Administration \(https://www.fmcsa.dot.gov/\)](https://www.fmcsa.dot.gov/) (FMCSA):

[What medications disqualify a CMV driver? \(http://www.fmcsa.dot.gov/faq/what-medications-disqualify-cmv-driver\)](http://www.fmcsa.dot.gov/faq/what-medications-disqualify-cmv-driver)

[Can a CMV driver be disqualified for using a legally prescribed drug?](http://www.fmcsa.dot.gov/faq/can-cmv-driver-be-disqualified-using-legally-prescribed-drug)

[\(http://www.fmcsa.dot.gov/faq/can-cmv-driver-be-disqualified-using-legally-prescribed-drug\)](http://www.fmcsa.dot.gov/faq/can-cmv-driver-be-disqualified-using-legally-prescribed-drug)

[Access 21 CFR 1308.11 \(Controlled Substance Schedule I\) \(http://www.ecfr.gov/cgi-bin/text-idx?SID=fb0b4afcff84aef52755d6dff7b8880d&node=se21.9.1308_111&rgn=div8\)](http://www.ecfr.gov/cgi-bin/text-idx?SID=fb0b4afcff84aef52755d6dff7b8880d&node=se21.9.1308_111&rgn=div8)

For further assistance, please contact the FMCSA's Physical Qualifications Division at fmcsamedical@fmcsa.dot.gov (<mailto:fmcsamedical@fmcsa.dot.gov>) or (202) 366-4001 (tel: (202)%20366-4001).

MROs May Sound the Alarm Even if a DOT Test is Negative

The addition of four commonly prescribed opioids to the DOT drug testing panel effective January 1, 2018, has left some drivers and carriers with unanswered questions, especially when the Medical Review Officer (MRO) calls into question a driver's fitness for duty.

What drugs are prohibited?

Sections 382.213, 392.4, and 391.41(b)(12) state that any drug, including over-the-counter medications, that affects a driver's ability to safely operate a commercial motor vehicle (CMV) is strictly prohibited.

Schedule I drugs, such as marijuana, are strictly prohibited - even if permissible under state laws.

On the other hand, the regulations allow for the use of a non-Schedule I controlled substance, providing:

- It was legally prescribed to the driver, and
- The prescribing medical practitioner:
 - is aware of the driver's job duties, and
 - has indicated it will not interfere with the driver's ability to safely operate a commercial motor vehicle.

CDL driver's opioid prescription

DOT testing procedures for safety-sensitive positions (i.e., CDL positions) recently added hydrocodone, hydromorphone, oxymorphone, and oxycodone to the DOT testing panel. All are on Schedule II of Controlled Substances.

If a DOT urine collection reveals one of these four controlled substances, the MRO will verify that the prescription meets the exception in Section 382.213 by contacting the medical practitioner who wrote the script. The test is reported to the motor carrier as a negative. However, the story doesn't necessarily end there.

Recent changes to 49 CFR Part 40 now offer procedures for MROs who see continued use of the prescription as a safety risk. In such instances, the MRO will notify the driver that he or she has five days to arrange an alternative to the current medication. If the driver fails to act on this request and the five days elapse or the prescribing physician is unable to offer a suitable replacement, the MRO has been given the discretion to call the medication into question. He or she may contact the motor carrier, certified medical examiner (ME) that qualified the driver under the Federal Motor Carrier Safety Regulations, a Substance Abuse Professional evaluating the employee as part of the return-to-duty process, a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.

What are an employer's options?

When a motor carrier is contacted by the MRO about the driver's prescription drug use, the motor carrier has not been given instructions on how to proceed.

The motor carrier has the option of sending the driver for a new DOT physical anytime his or her qualifications come into question. This is in accordance with Section 391.45(c). The driver, however, must be honest about his or her prescription drug use on the health history portion of the exam form. The ME makes the final determination.

The ME could:

- Use the exception and fully qualify the driver,
- Request another medication and withhold certification until it is rectified, or
- Medically disqualify the driver.

Since the test is negative (and the driver has a current medical card), the company, in theory, could opt to do nothing. But, the MRO may wind up contacting the company each time the driver has a drug screen since the safety risk, in the MRO's opinion, has not been resolved.

And, if this driver is in a serious crash, it could dredge up claims of negative entrustment since the motor carrier has knowledge of a potential safety risk.

FMCSA Proposes Rule Changes for Vehicle Safety Technologies

On Tuesday, July 6, 2021, Federal Motor Carrier Safety Administration (FMCSA) proposed to change the rules for windshield-mounted cameras in commercial motor vehicles (CMVs). The proposed changes would make filing for an exemption and prior company-specific exemptions (including J.J. Keller and Associates, Inc.) unnecessary. Interested parties must comment by August 5, 2021. A request from Daimler Trucks North America prompted the proposal.

The changes would define vehicle safety technology as “fleet-related incident management systems, performance or behavior management systems, speed management systems, lane departure warning systems, forward collision warning or mitigation systems, active cruise control systems, transponder, brake warning systems, automatic emergency braking, driver camera systems, attention assist warnings, Global Positioning Systems, and traffic sign recognition systems.”

If accepted as proposed, carriers could install the devices on the interior of windshields of CMVs:

Not more than 216 mm (8.5 inches) instead of 4 inches) below the upper edge of the area swept by the windshield wipers; or

Not more than 175 mm (7 inches) above the lower edge of the area swept by the windshield wipers; and

Outside of the driver’s sightlines to the road and highway signs and signals.

FMCSA proposed adding certain vehicle safety technologies to accommodate vehicle manufacturers’ advancements in driver assistance technologies. Also added were GPS units, which drivers often mount to the dashboard.

FMCSA Issues Final Rule on Electronic Exchange of Driver History Records

The Federal Motor Carrier Safety Administration has issued a final rule requiring State Driver Licensing Agencies to implement a system and practices for the exclusively electronic exchange of driver history record information through the [Commercial Driver’s License Information System \(https://www.aamva.org/CDLIS/\)](https://www.aamva.org/CDLIS/) (CDLIS), including the posting of convictions, withdrawals, and disqualifications. 86 Fed. Reg. 38937 (July 23, 2021).

The final rule gives States until August 22, 2024 to comply with this requirement. Congress had mandated that the States adopt this type of electronic information exchange in 2012; this rulemaking codifies that mandate in federal regulation.

The FMCSA notice states that while all states currently have the technical capability to transmit the driver history record information through CDLIS, some State Driver Licensing Agencies are unable to do so when the driver information (e.g., driver’s CDL number, date of birth, or State of record), required for CDLIS to validate and accept the electronic record, is incorrect or missing. Under those circumstances, States must rely on alternative methods of transmission, such as the U.S. mail.

A Third Certification Body will Test ELDs for Use in Canada



The newest electronic logging device (ELD) third-party certification body is [COMDriver Tech](https://www.comdriver.tech/) (<https://www.comdriver.tech/>), based out of Alberta, Canada. The organization joins FPIInnovations and CSA Group as an accredited third-party certification body authorized to test and certify that ELDs meet Canada's technical specifications.

Third-party certification bodies are required to meet a rigorous set of criteria established by the [Standards Council of Canada](https://www.scc.ca/) (<https://www.scc.ca/>) to become an accredited certification body.

Canada's ELD mandate became effective on June 12, 2021, but enforcement of the rule has been delayed to June 2022. One reason for the enforcement delay is due to the lack of certified ELDs. Having a third certification body available to test ELDs will allow more vendors to submit their devices for testing and certification.

[Transport Canada](https://tc.canada.ca/en) (<https://tc.canada.ca/en>)'s certification process helps to ensure devices are safe, reliable, and approved for use in Canada.

CVSA Announces Dates for Brake Safety Week



(https://www.idealease.com/sites/default/files/styles/extra_large/public/itok=9oxmFZq9)

This year's Brake Safety Week is scheduled for August 22-28, according to the [Commercial Vehicle Safety Alliance](https://www.cvsa.org/) (<https://www.cvsa.org/>) (CVSA).

The enforcement campaign is a part of the larger Brake Safety Awareness Month, which takes place in August. During CVSA's annual enforcement event, roadside inspectors will focus on the brake systems and components as they conduct North American Standard Inspections and compile data on brake hoses/tubing, the emphasis this year. The association will issue a report on its findings later this year. The event is also an opportunity for motor carriers to educate drivers and maintenance service providers on importance of brake safety.

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