

## Paving the Road to Equal Opportunity

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If you are performing Department of Transportation (DOT) physicals in your office, you are well-aware of the National Registry of Certified Medical Examiners (NRCME) program that has been in development in Washington, D.C. The program is four years in the making and the final details are finally falling into place, as revealed by the Federal Motor Carrier Safety Administration (FMCSA) on Dec. 1, 2008 with the release of its "Proposed Rule." While there had been speculation that chiropractic would be left on the outside of this program for the nation's 4.4 million over-the-road haulers, the proposed rule includes, on a level playing field, chiropractic physicians, medical doctors, osteopathic physicians, physician assistants and advanced practice nurses.

The NRCME program was developed to increase the quality of DOT physicals and eliminate drivers falling through the cracks by being allowed to drive when they were physically unqualified. The FMCSA realized that a significant portion of examiners in the five categories were simply ill-informed or did not understand the regulations, rules and most importantly, the physical limitations drivers would present with on examination. A new law was needed to get all examiners on one page and close those gaps.

In 2006, President George W. Bush signed that new piece of legislation: the "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users," which mandated that the FMCSA establish a program whereby DOT examiners would be required to pass a federal examination to be designated as "Federal NRCME Examiners." To get to this point, each examiner candidate would be required to participate in a training program that would qualify them as examination candidates.

Numerous committees (with doctor-of-chiropractic representation) were included in the design of these training requirements and examination questions. In July/August 2008, approximately 60 pre-selected examiners were provided access to a 21-module online training program. After successful completion of that training, candidates were directed to a government-contracted testing center - in this case H&R Block Computer Testing Centers - throughout the United States. The examination was a 120-question test covering the training material provided by the FMCSA as its "core curriculum."



That data were then reviewed, questions were deleted, and a statistical grading system was put in place. On Dec. 1, 2008, the FMCSA released its proposed rule on its Web site. The 60-day comment period has been initiated and will be open until Feb. 1, 2009, when the final rule is expected to be implemented and training will begin. There will be a two- to three-year phase-in process to ease the burden on examiners, and trucking and bus companies. Here are the highlights of the proposed rule:

- Medical examiners would be required to undergo initial and periodic training and testing in order to be listed on the registry.
- Initial thoughts from the FMCSA provide an estimated one-day training program for examiners. That training could be in a lecture type of setting, online or a combination of the two.
- Certification would last six years with periodic retraining at three-year intervals. The federal examination would have to be repeated every six years to continue in the NRCME.
- Once every 12 years, examiners would be required to go through the complete training again.
- Upon successful completion of the examination, each examiner would be listed on the FMCSA Web site as an NRCME examiner.
- The examinations would begin two years after the implementation of the final rule and would affect only those companies with 50 or more drivers. The second phase would begin three years after the effective date of the final rule and would apply to all commercial motor vehicle (CMV) drivers.
- The NRCME examiner would transmit the name and a numerical identifier of the driver electronically to the FMCSA once per month.
- Examiners would transmit the entire document to the FMCSA within 48 hours when requested.
- If an examiner violates any of the stipulations or misrepresents themselves, they could be

removed from the registry and would need to reapply via a hearing. An examiner might be removed if errors or omissions are observed and may require retraining or full removal from the program.

As noted, this program puts all five categories of examiners on a level playing field with no favoritism. This is a milestone for our profession. As of the publishing of this article, there are no requirements to perform DOT examinations other than that the DC must be licensed in their state and their state must not prohibit chiropractors from performing DOT examinations. Currently, the only two states with such restrictions are Washington and Michigan. It is anticipated that once this program is implemented, those states will reconsider their positions since the training is the same across the board.

What does all of this mean to the chiropractic physician in the field? If you are doing these examinations already, you should keep your ear to the ground because new regulations will probably surface fairly quickly. Once the final rule is implemented, get training as soon as possible.

What if you are not doing these exams now? While there are no certified training programs out there yet, numerous resources are available to provide you with enough training to become proficient fairly quickly, until the NRCME training is mandatory.

The FMCSA is estimating it will need 40,000 examiners, and some practitioners may find the training and examination just too much work - which could create a gap. Who better to fill it than chiropractic physicians?

*The FMCSA's final rule regarding the NRCME program is anticipated in February 2009, following review of all comments received. To view the proposed rule in its entirety, please visit [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov).*

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