

Medical Qualifications and Sleep Apnea

March 22, 2018



Medical Qualifications and Sleep Apnea

This webcast will cover ...

- A regulatory overview
- Best practices in compliance
- A case study in implementation
- Question & Answer

Attention Attendees:

- + Thank you for attending!
- + You will be muted during the event.
- + Please use the Q&A feature to send in questions to us. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- + The slides and recording will be posted within 7 days at: www.jjkeller.com/nptcinfo



Gary Petty
President & CEO
National Private Truck Council



Meet Your Presenters



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President & CEO
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Tom Bray
Industry Consultant-
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J. J. Keller & Associates



Tom Moore, CTP
Senior Vice President
National Private
Truck Council



Greg A. Sikorski,
Director of
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KeHE Distributors





Regulatory Overview



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Medical Qualifications

- How did he/she get a medical card???
- Met the requirements in §391.41 during a medical examination that met the terms of §391.43



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Who Must Take a DOT Physical? §391.45

- Any driver of a “commercial motor vehicle” as defined in §390.5 that...
 - Has never been certified as medically qualified
 - Has not been certified during preceding 24 months (or less, depending on last exam)
 - Has had his/her ability to perform normal duties affected by injury or illness
 - Carrier’s decision!



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Medical Qualifications §391.41

- No loss of limbs*
- No impairment of hands, arms, legs, feet*
- No insulin-controlled diabetes*
- No history of epilepsy*
- Vision* and hearing* meet the minimums
- No cardiovascular, respiratory, vascular, or blood pressure problems likely to affect driving
- No mental disorders
- No problems with drugs or alcohol
 - * Indicates there is a "waiver" program available if driver otherwise meets the medical requirements



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Medical Exam §391.43

- Medical examiner verifies that the driver meets the medical qualification requirements based on his/her knowledge and experience
 - All examiners trained and tested under NRCME



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Common Problems

- Sleep apnea (decision of the examiner)
- Blood pressure (numbers on exam form)
- Diabetes
- Medical history
 - Examiner may require driver to submit information from treating doctor



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Sleep Apnea – the Regulation

- Driver cannot have a “respiratory dysfunction” that could affect ability to operate safely
- Examiner to use judgment to determine if driver is a candidate for sleep apnea
 - Age, sex, BMI, neck size, throat size, medical history, snoring history, incidences of fatigue/somnolence and more all considered
- If driver is a candidate
 - No medical card if severe until tested/in treatment
 - Short-term card if moderate to get tested/in treatment



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Sleep Apnea Rule

- Joint rule with Federal Railroad Administration
- Would have assigned “hard numbers” to be used in deciding if driver a candidate
- Rulemaking has been withdrawn and no other movement



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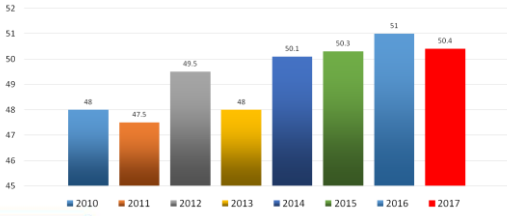
Beyond Compliance



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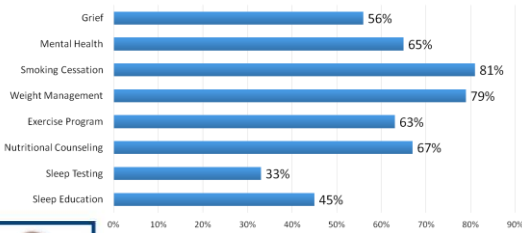
Aging Workforce



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88% Offer Driver Wellness



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Health Risks of OSA

- Risks of untreated, sleep apnea:
 - High blood pressure (2-3x incidence of Non-OSA)
 - Heart failure (30% higher risk versus Non-OSA)
 - Stroke
 - Obesity and Diabetes (negatively impacts leptin and grehlin levels)
 - Mental Health
 - Other
- Those with untreated OSA have health care costs 2x greater and their risk of death is 3x greater



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Crash Risks of OSA

- Fatigue-induced motor vehicle crashes occur at a rate of 2 to 7x that of those without OSA
- Drivers with severe sleep apnea were 4.6x more likely to be involved in a severe crash



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Sleep Apnea-Related Crash Litigation

- Plaintiffs' lawyers:
 - Know the "disqualifying" nature of sleep apnea and the gray area of the regulations
 - Will tell a jury that a driver with OSA is disqualified and should not have been driving a CMV and the carrier was negligent in allowing them to drive
 - Will make it sound like the driver was asleep at the wheel



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So What Do You Do?

- FMCSA has backed off issuing a specific regulation on sleep apnea
- Models of managing sleep apnea have been developed by the industry
- Best approach is to have a company policy that addresses the diagnosis, treatment and management of sleep apnea



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The Fleet Perspective: KeHE Distributors



Greg Sikorski
Director of Transportation Safety
KeHE Distributors



KeHE Distributors

- Headquartered in Naperville, Illinois, KeHE Distributors LLC was founded in 1953 by Art Kehe, an entrepreneur who started the business delivering food to retailers in the Midwest.
- Today KeHE distributes natural & organic, specialty and fresh products to retailers across the U.S. and Canada.
- Today's KeHE is an employee owned company.
- KeHE has experienced rapid growth in recent years derived from its own organic business growth and several strategic acquisitions including Tree of Life in 2010, Nature's Best in 2014 and Monterrey Provision Company in 2016



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Private Fleet Growth

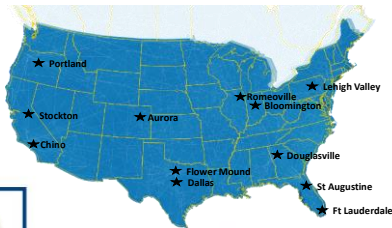
- 2013
 - 15.8 Million Miles
 - 250 Drivers
- 2017
 - Exceeded 58 Million Miles
 - 600 Drivers
- Presently
 - 586 Power Units
 - 1060 Trailers
 - 12 Distribution Centers



Greg Sikorski
Director of Transportation Safety
KeHE Distributors



Distribution Center Locations



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Director of Transportation Safety
KeHE Distributors



Approach to Combatting Fatigue

- KeHE has approached combatting fatigue through Health & Wellness programs, monitoring HOS, onboard technology and education
- Driver Fatigued
 - Fatigue Can be Life Threatening for Professional Truck Drivers
 - It Impairs Reaction Time
 - It Impairs Decision Making
 - The Center for Disease Control (CDC) states the following:
 - 18 Hours Awake = Impairment Equivalent to .05 Blood Alcohol Level
 - 24 Hours Awake = Impairment Equivalent to .10 Blood Alcohol Level



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Approach to Combatting Fatigue

- Equipment Technology
 - Onboard Camera Systems – Cameras are inward and outward facing. Video clips are used for coaching drivers. It's their game tape.
 - New Equipment – All new power units are ordered with lane departure warning, forward collision warning with brake assist, and adaptive cruise control.
 - Integration has begun and > 65% of Fleet will turn in the next 24 months



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Director of Transportation Safety
KeHE Distributors



KeHE Approach to Employee Wellness

- Virgin Pulse
 - The Virgin Pulse wellbeing program gives employees the tools to get active, get healthy, and get rewarded.
 - Employees earn points for daily and monthly activities. Points can be redeemed for gifts or deposited into personal accounts as cash.
- Virgin Pulse Sleep Guide
 - Provides helpful ways to improve sleep
 - Helps you feel more rested each day
 - Earn reward points daily, monthly, and quarterly.



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Director of Transportation Safety
KeHE Distributors



KeHE Approach to Employee Wellness

- Virgin Pulse Nutrition
 - Good nutrition and regular exercise are essential for good health
 - Provide guide to navigate the nutrition landscape
 - Earn reward points daily, monthly, and quarterly

VIRGIN PULSE NUTRITION GUIDE

Get a sweet tooth? Eat whatever's easy! Pick your nutrition goals and work some call-meeting tips and great recipes from Sparking — just for you. Plus, get more rewards for tracking with MyFitnessPal.



STAY SWEET



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Director of Transportation Safety
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Sleep Apnea Program Overview

- 3rd Party Program Administrator for Screening Drivers at Home and providing education material on associated risks
- Program Facilitated by Human Resources
- No Cost to CDL Employee
- CDL Employee Communicates Directly with 3rd Party Program Administrator



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Sleep Apnea Program

- Program is on a Volunteer Basis
 - Began in 2016
 - Currently There is No Mandate for Drivers to Complete Screening
 - Program Challenge – CDL Drivers Fear Repercussion if They Test Positive
- In 2016 & 2017 Our 3rd Party Administrator Mailed Program Guidelines and Educational Materials to the Residence of Each CDL Driving Employee
 - Educational materials explain the risks associated with Sleep Apnea and the impact it has on Professional Truck Drivers. The objective in sending this material to driver's homes is to engage the families as well as our drivers. When the family is involved and educated they can assist in identifying risk factors and discuss in private the potential need for Sleep Apnea testing.



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Sleep Apnea Program: Process

- CDL Employee Contacts 3rd Party Program Administrator
- CDL Employee Completes Pre-Screening Survey to Determine Sleep Apnea Risk Profile
- 3rd Party Administrator Sends Employee a Home Screening Kit
- Once Screened, (for positive results) 3rd Party Administrator Sets Employee up with Appointment to Finalize the Sleep Apnea Treatment Plan



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Program Success

- We have found the success of the program to be minimal with a participation level under 10%. Our goal in establishing this program was to engage our driving employees and provide sound educational opportunities while protecting their privacy. Ultimately creating an opportunity for our driving employees to improve their overall level of health, fitness for duty, and reduce their level of risk on the roadway.



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Shifting Strategies Through Insight Training

- Development of In-House Training Program
 - Goal is to Further Educate Drivers Through Insight Training Principles
 - Shift Focus From Behavior Based Training Models
 - Position Drivers to Take Ownership
 - Look at Driving From a Decision Making Perspective
 - Set Expectations by Providing Drivers with “The Charge”, A Responsibility They Are Expected to Live Up To



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Introduction to KeHE's In-House Training Program

- First Phase of Development Complete Aug 2017
- High Level Summary
- Guardians of the Roadway Safety Program
- Example Slides





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Guardians of the Road Safety Program

for KeHE Professional Truck Drivers





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The 6 Pillars of the Guardian Program



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Engaged at the Wheel: Driver Condition

Understanding Yourself as a Professional Truck Driver

Technique:

- ▶ The body of specialized procedures and methods used in any specific field, especially in an area of applied science.
- ▶ Method of performance; way of accomplishing.
- ▶ Technical skill; ability to apply procedures or methods so as to effect a desired result.



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Engaged at the Wheel | Driver Condition

Self Awareness

Know Yourself:

- ▶ Think About Your Personal Strengths and Weaknesses
- ▶ Look at Driving From a Decision Making Perspective
- ▶ What Impact Do Your Strengths and Weaknesses Have on the Decisions You Make?
- ▶ Who Manages These Decisions?



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Engaged at the Wheel: Driver Condition

What's the Challenge?

Complexity and The Task of Driving

- Complexity Can Lead To:
- ▶ Disarray
 - ▶ Complications
 - ▶ Distractions
 - ▶ Difficulty
 - ▶ Mistakes
 - ▶ Disorganization
 - ▶ Surprise



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Engaged at the Wheel: Driver Condition

The Task of Driving

- ▶ Understanding Decision Making in Driving
- ▶ How Many Decisions are Made During any Given Point in Time?



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The Guardian Program



The Charge

Professional Truck Drivers at KeHE are charged with the responsibility to operate in a safe manner at all times.

Being a guardian on the roadway means you are operating in such a way as to not only keep yourself safe, but operate in such a way as to make due allowance for others mistakes.

Each Professional Driver has a legal and moral responsibility to operate safely and in turn protect the motoring public.



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KeHE's In-House Training Program

- These classroom training sessions are being used as an opportunity to engage the Team and have open forum discussions. Open discussions on the impact of fatigue creates for good dialogue with the drivers and Safety Team. Sleep Apnea is a key topic in these talks.



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KeHE's In-House Training Focus Related to Fatigue

- Better Sleep Habits
- Causes of Fatigue
- Sleep Debt
- Obstructive Sleep Apnea
- Complications of Sleep Apnea
- Symptoms of Fatigue
- Impact Fatigue Has Behind the Wheel



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Driver Training

- In-House Training Program – 460 drivers complete since development. Overall driver critique rating is 4.65 out of 5.
- Additional 100% of drivers complete online training modules on a monthly recurring basis. Example topics: Backing, Inclement Weather, Fatigue, Work Place Safety, Health/Fitness, etc.



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Question & Answer Session



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More Questions?



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Please join us for our next webcast series

Hiring Standards: Background Checks

Wednesday, May 23rd at 10 AM CST

Hiring Standards: Screen Protocols

Thursday, May 24th at 10 AM CST

Visit www.jkkeller.com/nptcinfo to register



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