Drug & AlcoholClearinghouse

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

Meet Your Presenters

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Regulatory Overview: The Basis for the Decision

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Regulation

• Have to start discussion with the regulation:  
  • §391.41(b) A person is physically qualified to drive a commercial motor vehicle if that person –  
  • §391.41(b)(5) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a commercial motor vehicle safely;

Basis for Examiner’s Decision

• Medical Advisory Criteria information  
• Conference on Pulmonary Disorders data  
• Examiner FAQs  
• MRB recommendations  
• Guidance in the Examiner’s Handbook  
• MCSAC/MRB Joint Recommendations
Medical Advisory Criteria

- There are many conditions that interfere with oxygen exchange and may result in incapacitation, including emphysema, chronic asthma, carcinoma, tuberculosis, chronic bronchitis and sleep apnea. If the medical examiner detects a respiratory dysfunction, that in any way is likely to interfere with the driver’s ability to safely control and drive a commercial motor vehicle, the driver must be referred to a specialist for further evaluation and therapy.

Conference on Pulmonary Disorders

- Individuals with suspected or untreated sleep apnea (symptoms of snoring and hypersomnia) should be considered medically unqualified to operate a commercial vehicle until the diagnosis has been dispelled or the condition has been treated successfully.

Examiner FAQs

- Question number 26: Is Sleep Apnea disqualifying?
  - Drivers should be disqualified until the diagnosis of sleep apnea has been ruled out or has been treated successfully. As a condition of continuing qualification, it is recommended that a CMV driver agree to continue uninterrupted therapy such as CPAP, etc., monitoring and undergo objective testing as required.
MRB Recommendations

• Driver should not be certified until screened if driver has:
  • History of daytime sleepiness
  • Fatigue-related crash
  • AHI (sleep study score) of 20
  • Recent surgery affecting the airway
  • BMI over 33

Medical Examiner’s Handbook

• Approximately 70% of the cases of excessive daytime sleepiness (EDS) are caused by narcolepsy and obstructive sleep apnea (OSA).

• The medical examiner should not certify the driver with suspected or untreated sleep apnea until etiology is confirmed and treatment has been shown to be stable, safe, and adequate/effective.
MCSAC/MRB Latest Recommendations

• 60 day card and tested: Any driver over 35 BMI
• Disqualified until tested and stable after treatment (if necessary):
  • Sleepiness while driving
  • Fatigue-related crash
  • AH1 over 20
  • Airway surgery
  • Non-compliant with CPAP use

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Bottom Line

• At this time the decision on sleep apnea is based on the examiner’s judgment
  • Certified only after tested (extreme candidate based on exam)
  • Issued “short-card” and require testing (minor moderate candidate)
  • Not a sleep apnea candidate based on exam
• Examiners are now better trained and informed on the issue, leading to more sleep testing becoming required as a term of certification

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Changes

• To change current practice will require rule change
  • FMCSA not allowed to change based on new interpretation or supporting materials
• FMCSA/FRA have published joint Advanced Notice of Proposed Rulemaking on sleep apnea, first step in significant rulemaking process
  • No movement since ANPRM was published

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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 ghrelin levels)
  - Mental Health
  - Other
- Versus people without OSA, those with untreated OSA have health care costs 2x or $1,336 more and their risk of death is 3x greater

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
- 800,000+ drivers were involved in OSA-related car crashes in 2000, costing more than $15.9 billion in damage and claiming 1,400 lives
- CPAP treatment can reduce collision cost by $11.1 billion per year

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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Financial Impact of Untreated OSA

- $2,727 reduction in health insurance claims per treated driver in first year after treatment
- $3,086 reduction per driver in second year
- $528 reduction per treated driver in 2 years of short-term disability claims after treatment
- 6.9 day reduction in lost work days per treated driver over 2 year period post treatment

So What Do You Do?

- FMCSA has not indicated that it will issue a specific regulation on sleep apnea, although it is under consideration by the agency
- “Standard of Care” means models of managing the issue have been developed by the industry
- Best approach is to have a company policy that addresses the diagnosis, treatment and management of sleep apnea in drivers

The Fleet Perspective
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Medline Industries – MedTrans LLC

• Medline Industries is America’s largest privately-held national manufacturer and distributor of health care supplies and services.

• MedTrans LLC operates as the private fleet for Medline Industries and is also a “For-Hire” carrier.

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Medline Industries
MedTrans LLC
Director, Fleet Safety & Compliance

Medline - MedTrans

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Medline Operations – North America

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Medline - MedTrans

- Private Fleet operation began in 2002 with 25 trucks.
- Presently:
  505 Drivers
  517 Power Units
  688 Trailers
  36 Distribution Centers

Fatigued Driving

Research has indicated that being awake for 18 hours is comparable to having a blood alcohol concentration (BAC) of 0.08 percent, which is legally intoxicated and leaves a driver at equal risk for a crash.

A 2005 study suggests that three out of every four CMV drivers report having experienced at least one type of driving error as a result of drowsiness.

Fatigued Driving

According to the National Sleep Foundation’s 2005 Sleep in America poll,

- 60% of adult drivers – about 168 million people – say they have driven a vehicle while feeling drowsy in the past year, and
- More than one-third, (37% or 103 million people), have actually fallen asleep at the wheel.
- Of those who have nodded off, 13% say they have done so at least once a month.
- Four percent – approximately 11 million drivers – admit they have had an accident or near accident because they dozed off or were too tired to drive.
Fatigued Driving

Medline Addresses Fatigued Driving Through...
- Hours of Service
- Education
- Wellness Programs
- Lane Departure Technology
- Sleep Apnea Program

Fatigued Driving

Hours of Service
- Balanced starting times
- Balanced work day lengths
- Enforce 30 minute breaks
- Extended off-duty periods

Fatigued Driving

Education
- Avoid medications that may make you drowsy.
- 17% of CMV drivers were reported as having “over-the-counter drug use” at the time of a crash.
- Cold pills are one of the most common medicines that may make you drowsy.
- If you must drive with a cold, it is safer to suffer from the cold than drive under the effects of the medicine.
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Fatigued Driving

Wellness Programs
- Weight Loss Programs/Contests
- Heart Health Education
- Diabetes Management Education
- Healthy Eating Choices Education
- On-site Biometric Screenings
- Health Risk Assessments

Fatigued Driving

Lane Departure Technology

Fatigued Driving

Sleep Apnea Program
Sleep apnea is a common disorder in which a person has one or more pauses in breathing or shallow breaths while sleeping.

Joe Laskowski, CTP
Medline Industries
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Director, Fleet Safety & Compliance
Sleep Apnea

- Breathing pauses can last from a few seconds to minutes. They often occur 5 to 30 times or more an hour. Typically, normal breathing then starts again, sometimes with a loud snore, snort or choking sound.

Sleep Apnea

Untreated sleep apnea can:

- Increase the risk of high blood pressure, heart attack, stroke, obesity, and diabetes
- Increase the risk of, or worsen, heart failure
- Can make arrhythmias or irregular heartbeats, more likely
- Increase the chance of having work-related or driving accidents

Medline’s Sleep Apnea Program

Started January 2012
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Who
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Medline Industries
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Director, Fleet Safety & Compliance

What

When

Where

Why
• Ongoing FMCSA Discussions
• Medline’s Concern for Driver’s Health
  - Medline is genuinely concerned about all aspects of driver’s health
• DOT Medical Examiners
  - We have experienced doctors sending drivers for testing

How
• Presented the benefits of a program to get-by-in from upper management
• Researched Sleep Apnea Testing companies
• Researched several Home Testing Devices
• Researched the logistics of rolling out a nationwide sleep apnea testing program
• Researched Cost

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What

- We required that the sleep apnea testing companies-
  - Were able to handle a nationwide program to service all of our distribution centers.
  - Were able to perform ambulatory testing.
  - Were able to have a turn-key program

Who

All drivers

Initially - All drivers were screened/tested
Ongoing – Screened when hired/tested

When

- When hired, all drivers complete an on-line screening survey
- High-risk drivers will be sent for a DOT physical and referral
- Drivers that received a referral will receive an at-home sleep test
- Drivers positive for sleep apnea will begin treatment
- Compliance will be monitored wirelessly
- Drivers given a compliance report to give to the medical examiner
Sleep Apnea Monitoring - Compliance

Medline Industries defines “compliance” as a minimum of four (4) hours of CPAP usage per night, for 70% of the nights. These guidelines are not only identical to the guidelines used by Medicare, but the Joint Task Force on “Sleep Apnea and Commercial Motor Vehicle Operators”.

Drivers that do not maintain minimum “Compliance” are removed from Safety Sensitive responsibilities until they regain minimum compliance levels.

To Date:

• 919 Screened
• 226 Screened High Risk
  • 92% Positive
  • 8% Negative

Thank You

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Question & Answer Session

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More Questions?

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About NPTC

Founded in 1939, the National Private Truck Council is the only national trade association exclusively representing the interests of the private truck industry and corporate/business private truck fleet management. With an actively engaged leadership team of Board representatives, member volunteers and staff, NPTC in the past decade has grown significantly to serve a rising professional class of private fleet practitioners meeting the challenges of modern corporate transportation. NPTC is the leading learning resource center, government affairs advocate, and business networking culture for America’s top private fleet and supplier member companies. The Council produces benchmarking, best practices, and economic data reports on the private fleet market; administers the highly regarded Certified Transportation Professional (CTP) training program, and conducts some of the most successful events in the trucking industry including the Annual Conference and Trade Show, the Private Fleet Management Institute, and the National Safety Conference.

For more information about the Council’s activities and programs, visit our website at www.nptc.org.
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CSA and the Safety Management System
July 12th at 10 AM CST

Roadside Inspections
July 13th at 10 AM CST

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