CHARTER

MEDICAL REVIEW BOARD ADVISORY COMMITTEE

AUTHORITY: This charter renews the Federal Motor Carrier Safety Administration's (FMCSA) Medical Review Board Advisory Committee (MRB) established in accordance with 49 U.S.C. § 31149 and provides for its operation in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

PURPOSE: The FMCSA Medical Review Board provides scientific and medical advice to FMCSA on ongoing medical issues, including identification of appropriate physical qualifications of commercial motor vehicle (CMV) drivers, medical standards, and educational curriculum for training medical examiners who certify that drivers meet the physical qualification standards and functional tests for drivers with disabilities. The Medical Review Board also reviews all current FMCSA medical standards and makes recommendations to FMCSA for new science-based standards and guidelines to ensure that drivers operating CMVs in interstate commerce, as defined in 49 CFR 390.5, are physically capable. Meeting announcements and the work of the Medical Review Board are posted on the MRB Web site at www.mrb.fmcsa.dot.gov.

SCOPE: The FMCSA Medical Review Board provides information, advice, and recommendations to the Secretary of Transportation and the Administrator of FMCSA on matters relating to all aspects of development and implementation of science-based physical qualification standards applicable to interstate CMV drivers. The Medical Review Board does not hold regulatory development responsibilities, manage programs, or make decisions affecting such programs. The Medical Review Board provides a forum for the development, consideration, and communication of information from a knowledgeable, scientific perspective.

OBJECTIVES AND DUTIES: Consistent with the scope of activities described above, the Medical Review Board is authorized to perform the following tasks:

1. Undertake such information gathering activities as necessary to define issues for consideration by the Medical Review Board, develop positions on those issues, and communicate the Medical Review Board's position to the Secretary of Transportation and the Administrator of FMCSA.

2. Provide FMCSA with ongoing medical expertise to shape decisions about the health and wellness of CMV drivers, including physical qualifications, medical advisory criteria, and safety research.

3. Advise FMCSA on the development of uniform driver physical qualification (medical) standards and CMV driver health and wellness.

4. Advise FMCSA on the development of scientific guidelines, criteria, and procedures to facilitate implementation of the physical qualification standards by qualified medical examiners.

5. Provide advice and recommendations for the development of a functional capacity test for individuals with health related impairments.

6. Provide advice on conduct and conclusions of FMCSA medical research and on policies or issues related to CMV driver physical qualification standards.

7. Provide advice and recommendations for the establishment and maintenance of medical examiner training and certification processes.

DESIGNATED FEDERAL OFFICER AND SPONSOR: The Designated Federal Officer (DFO) for this advisory committee and its subcommittees is the Director, Office of Medical Programs, or his or her designee. The committee sponsor is the Office of Policy and Program Development. The FMCSA's Office of Medical Programs shall furnish support services for the operation of the Medical Review Board. The DFO may designate a facilitator of the Medical Review Board.

MEMBERSHIP: The Medical Review Board shall be composed of five physicians and alternates, selected from medical institutions and private practice. These members shall be special government employees, each of whom shall be appointed by the Secretary of Transportation upon the recommendation of the Administrator of FMCSA. Criteria for appointment include medical expertise in a medical specialty, an understanding of medical research methods, knowledge of transportation medical issues, experience on panels that develop medical standards, a record of scientific collaboration and professional service, and experience developing teaching programs. Medical specialties include, but will not be limited to: Cardiovascular and Cerebrovascular Diseases, Endocrine Diseases, Injury, Medicolegal Issues, Neurological Disorders, Psychiatric Diseases and Occupational Medicine.

APPOINTMENTS: Each member shall be appointed for a 2-year term, with each member eligible for reappointment, based on FMCSA's needs and any medical standards research in progress at the time. The Medical Review Board will operate continuously with five active members. Any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve until the expiration date of the predecessor's term or continue to serve until a replacement is appointed, whichever occurs last. Notwithstanding the above, the Secretary or his or her designee may terminate an individual's membership on the Medical Review Board at his or her discretion.

MEETINGS: The DFO anticipates calling Medical Review Board meetings approximately three times each fiscal year. The agenda for each meeting shall be approved in advance by the DFO. The following procedures shall govern the conduct of all FMCSA Medical Review Board meetings:

- Meetings shall be open to the general public, except as provided under FACA, 41 CFR Part 102-3 and DOT Order 1120.3B. Interested persons shall be permitted to attend, appear before, and file statements with the Medical Review Board, as practicable.

- Notice of each meeting shall be published in the Federal Register at least 15 calendar days prior to the date of the meeting. Notice shall include the agenda.

- The DFO or designee shall attend and preside at each meeting.

- The DFO or designee shall adjourn any meeting when he or she determines it to be in the public interest.

Detailed minutes of each meeting shall be certified by the DFO and maintained by the sponsor. The minutes shall contain the following:

1. The date, time, and place of the meeting.
2. A record of all attendees at the meeting.
3. A complete and accurate description of all matters discussed and conclusions reached.
4. Copies of all reports received, issued, or approved by the committee.
5. A description of public participation, including oral or written statements.

As used in this charter, the word "meeting" does not include gatherings of MRB members for the purpose of preparatory work or administrative work covered by 41 CFR 102-3.160.

RECORDKEEPING: All records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of information Act, 5 U.S.C. 552.

COMPENSATION: When their Medical Review Board duties require their personal appearance, committee members are authorized travel and subsistence or per diem allowances (as appropriate) in accordance with Federal Government regulations. All travel by individual members when engaged in official committee business shall be approved in advance by the DFO and arranged and funded by the sponsor. The FMCSA may, at its discretion, provide additional compensation as appropriate and in accordance with applicable Federal statutes and regulations.

ESTIMATED COST AND SUPPORT: The estimated annual direct operating cost of the Medical Review Board is $400,000.00, which includes travel and subsistence costs of members, printing, and miscellaneous costs. The number of hours needed to support the Medical Review Board is an estimated 2.5 FTE (5,200/2080 hours) per year.

REPORT TO THE SECRETARY: Within 90 days following the last meeting of each fiscal year, the DFO shall make available electronically to the Secretary and the FMCSA Administrator an annual report describing the committee's membership, activities, and accomplishments for the past calendar year. The DFO shall provide the Secretary and the FMCSA Administrator with any interim reports as requested. The DFO may direct the committee to prepare these and any other reports.

EFFECTIVE DATE: The committee is effective 11/2/09, which is the filing date of this charter. This charter shall terminate 2 years after its effective date unless renewed in accordance with FACA and other applicable requirements.