



Exemption Program for Insulin-Treated Commercial Drivers Ends Blanket Ban

Limited Access Means ADA will Continue to Work to Improve the Policy

The Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation has announced the establishment of an exemption program that will allow some individuals with insulin-treated diabetes to operate commercial motor vehicles in interstate commerce. This exemption program ends a blanket ban that, since 1970, has prohibited anyone who uses insulin from driving a commercial vehicle in interstate commerce, and replaces it with a system that provides for case-by-case assessment.

However, the hard reality is that the new rule will not benefit very many people who use insulin and who want to drive commercial vehicles. This is because, in order to even apply for a commercial driver's license under the new rule, the applicant must have been driving a commercial vehicle for the prior three years while using insulin. The only way to have accomplished this is to be in one of the states that permits people who use insulin to drive commercial vehicles in *intrastate* commerce (many do not) *and* to have met that state's particular requirement for intrastate commercial driving *and* to have found an employer who has intrastate driving available. This is made all the more difficult because very little commercial driving qualifies as intrastate driving. For example, if the freight a trucker is hauling has come from -- or is on its way to -- another state, then hauling that freight is considered *interstate* driving even if the driver never leaves his or her home state. The American Diabetes Association (ADA) is particularly concerned that FMCSA rejected the advice of its own Expert Medical Panel, which specifically objected to the three-year rule as being without basis in medical science. The three-year rule constitutes a Catch 22 eliminating most qualified drivers, and is unnecessary in light of the many other screening, operation, and monitoring provisions in the new exemption program that are geared toward ensuring the safety of drivers and the public.

FMCSA has stated that it finds the concerns that ADA and many others expressed with the three-year rule "understandable", and has left the public docket open to explore changes to the specific conditions of the exemption program. ADA will continue working with FMCSA and leaders in Congress to make changes to the new diabetes exemption rule to ensure that qualified drivers are not prevented from utilizing the new program.

Although ADA does not anticipate that the new rule will benefit very many people who want to drive commercial vehicles, it may affect people with diabetes in other occupations. This is because employers in many other industries have long looked to the Department of Transportation as a leader in this area -- resulting in some companies adopting illegal and medically unjustified blanket bans that have kept people with diabetes out of a variety of jobs. The end of the commercial driving blanket ban will

strengthen our efforts to make sure that all employers evaluate each person with diabetes as an individual.

FMCSA is now accepting applications for the new program. To learn how to apply, go to <http://dms.dot.gov> and search for docket 9800, document number 354, "Final Disposition" or contact Sandra Zywokarte at FMCSA at 202-366-4001. Those applying for an exemption must send the requisite documentation by letter to the FMCSA Diabetes Exemption Program, 400 Seventh Street, S.W., Washington, DC 20590. If you apply, please let ADA know by contacting ADA's Legal Advocate at legaladvocate@diabetes.org or 800-676-4065 extension 1768.