Medical Advisory Board

November 4, 2022 12:00 Noon

Meeting Minutes

Meeting conducted in person with Zoom attendees

1. Call to order: MAB Chair, John Taylor
   1. Present in person: Linda Schumacher-Feero, Thomas Morrione, Michelle Cloutier, Thea Fickett, Chris Ireland, Brendan Moody
   2. Attendance via Zoom: John Taylor, Isabella Askari, Jims Jean-Jacques, Patrick Keaney, Robert Lodato, Daniel Potenza, Evan Savage, Kristen Silvia, Cathie Curtis, Dawna Gilbert
   3. Absent: Daniel Pierce, Larry Boivin
2. Housekeeping Chris Ireland
3. Daniel Onion remembrance Catherine Curtis
   1. Served on MAB for several years, and as Chair part of that time
   2. He believed in the role of the MAB, committed to aging in place, planning for retirement from driving, Neighbors Driving Neighbors
   3. He was compassionate, a teacher and helped many people
4. John Taylor recognition Catherine Curtis
   1. Honored with the 2022 Louis Hanson D.O. Physician of the Year Award
5. Michelle Cloutier recognition Chris Ireland
6. Review of April 1, 2022, meeting minutes John Taylor
   1. Minutes were accepted unanimously, as written
7. Old business:
8. Rulemaking update Chris Ireland
   1. Road to rules description included anticipated steps and time frames
      1. Public hearing for proposed rules held 10/13/2022
      2. Chris Ireland and Joann Bautista, Deputy Secretary of State for Policy conducted the meeting
      3. There were 3 people present at the hearing that provided testimony, 1 in favor of the mental health rules and 2 opposed to the vision rules (copies of all testimony and written comment sent to the MAB previously)
         1. NAMI Maine testified in favor of proposed Mental Health rules
         2. Four individuals provided verbal testimony or written comment in regarding the proposed vision rules. The concerns included the following:
            1. Standard which requires continuous 110 degrees visual field
            2. Disallowing scanning during vision screening as this is how driver adapts
            3. Disallowing use of field expansion devices for vision testing, as these are adaptive devices for individuals with visual field defect
            4. Use of Binocular Esterman test to determine visual field doesn’t allow drivers to demonstrate their ability to compensate
            5. 12-month waiting period after brain insult causing visual field loss is too long
            6. Repeat road testing required for those approved using the Exceptional Case criteria
            7. FMCSA criteria are not the same as State requirements for vision
            8. Visual acuity standard should be at least 20/70 in best eye
      4. Changes to visual field requirement discussed, noting the following:
         1. Much of the opposition was in response to current rules and to a certain degree a misunderstanding of how the proposed rules will resolve the concerns. The new “Exceptional Case” criteria will allow subjects that do not meet peripheral vision standard to seek a pathway to driving; and will likely result in the 3 drivers involved in public comment finding a pathway to a road test
      5. MAB recommends seeking neurology input on need for 12-month waiting period for subjects with a brain insult
      6. Public comment closed on 10/23/22
      7. BMV currently working with Dr. Schumacher-Feero in drafting response to public comment and further revision of proposed Visual Disorders FAP
      8. Completed draft of new rule revisions and response to public comment will be forwarded to Deputy Secretary of State, Catherine Curtis, then to Secretary of State, Shenna Bellows, then to the AG office for review.
      9. The goal is to adopt the rules the first quarter of 2023
   2. Interested party notification of adoption was briefly discussed. The plan is to include large organizations, hospitals, their affiliated practices, the clinicians currently entered in the BMV system for Maine and New Hampshire, and relevant professional associations
   3. MAB members will be key in reaching clinicians to make them aware of the new FAP rules and medical review process following adoption of the rules
      1. Members can assist by identifying target groups, sharing with their peers and organizations they work with the availability of training
      2. BMV hopes to create videos that can be put on the internet and made available for training upon demand
      3. Member suggestions include “asynchronous videos”, contacting licensing boards to place a link on their website connected with license renewal to notify clinicians of available training, etc.
9. Electronic transmission of data – updates and reports: Chris Ireland
   1. Communication with Dr. Hemphill, MaineHealth
   2. Conversation with Maryland DMV regarding their vision portal
   3. Changes to BMV process to decrease fax issues
   4. Modernization plans
10. Sleep apnea and CPAP recall – update Discussion
    1. Phillips recall now about 18 months out and most patients have or are getting their new device
    2. At next MAB meeting, discuss how to phase out recall exceptions, or
    3. Post notification of BMV plan to phase out recall exceptions after new year
    4. Start phase out of exceptions around April 2023
    5. Sleep provider availability is still an problem
    6. Dr. Keaney will provide guidance with messaging on website
11. Vision screening in branch offices – update Thea Fickett
    1. BMV created an AAMVA survey request regarding vision screening in other states, it was declined
    2. Vision screening age interval changes discussion deferred to next year and will put on legislative agenda for 2023-2024
    3. Allowing drivers with progressive conditions to have their vision screening done in the branch has been determined not being operationally practical
    4. The manufacturer instructions for the OPTEC 1000 vision screening requires testing at 85-70-55 and nasal for each eye. Current instructions for Driver License Examiners and branch staff do not require testing of all 4 points. Instructions for Examiners and branch staff are the same. Changing the process will increase vision screening time and most major visual field defects would likely be discovered using current procedure, according to MAB ophthalmologist, Linda Schumacher-Feero.
12. New business:
    1. Statistics Christopher Ireland
       1. BMV has Tableau software.
       2. Statistics regarding medical conditions and crashes presented, using Tableau
       3. Interesting trends were noted, even though causality cannot be established
       4. It was noted that there could be selection bias
       5. Rules were changed in 2016 and will likely change again in 2023
       6. Further discussion is needed regarding assumptions associated with rule changes and possible impact on trends
       7. Additional plots by condition will be e-mailed to the MAB after meeting today
       8. Chris Ireland is willing to meet with individual board members to look more closely at the statistics and identify questions that need to be answered by data
       9. The MAB and BMV need to identify what questions should be asked and then find resources to assist in structuring statistical reports and determining what is valid, etc.
       10. Questions that remain:
           1. Can BMV data be merged with crash report data somehow
           2. Will BMV partner with academic resources or other state agency to dig deeper into data
           3. What questions do we want data to answer
    2. Member contact information Thea Fickett
       1. Reminder for members to review their contact information and forward any changes to Thea Fickett, as this is posted publicly
    3. Membership terms Thea Fickett
       1. There are no expiring terms between now and the next meeting
13. Open Discussion:
    1. The use of driving simulators to test drivers before a road test was suggested, with the request that BMV look into this option
14. Meeting Schedule:
15. Next Meeting Dates: Friday, April 7, 2023

Friday, November 3, 2023

1. From: 12:00 – 3:00 PM
2. Location: To be announced
3. Adjournment: 1:55 PM

Meeting Handouts:

1. Agenda

2. Minutes: April 1, 2022

3. The Road to Rules

4. Summary of rule changes prior to public comment

5. Summary of public comments

6. Crash data for FAP conditions as of 10/27/22

7. Membership list

**Parking Lot:**

* Can MAB take votes by e-mail, do virtual meetings require roll call vote
* Seek better data to correlate crashes with medical conditions
  + Research options that may allow clinicians to access crash data for their patients
* Continue to work towards a “portal” for electronic submission of paperwork
* Discuss how often vision screening should be required to renew a driver’s license (Current requirement is in Title 29-A – Dr. Schumacher-Feero says literature shows age 70 is when vision decline affects driving on average. Should this standard be changed? Review Statute.)
* Develop process to verify Naturopathic doctor licensure status
* Provide guidelines for staff to identify which professionals are qualified to complete Driver Medical Evaluation forms for specific diagnosis criteria (E.g., chiropractors can only complete for musculoskeletal conditions)