FMCSA Medical Fraud Process

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**Agenda:**

- Medical Examiners Registry (brief history)
- Evolution of Fraud Cases
- Fraud Identified
- SDLA Involvement in the Fraud Process
- Closing the Case
• Medical Examiners Registry
  • On May 21st, 2012 FMCSA published a Final Rule creating the National Registry for Medical Examiners.
  • The rule focused on establishing a “registry” of Medical Examiners who have undergone systematic and uniform training in the process of conducting a DOT Medical Exam.
  • The rule became effective May 21, 2014, requiring drivers to “self certify” with their SDLA’s.
• And so begins...

• April, 2017 – Three physicians in New York that were uncertified performed medical examinations for commercial drivers. When caught by FMCSA those medical certifications were nullified and the drivers instructed to be reexamined immediately or face the loss of their CDL.

• February, 2017 – A nurse practitioner and two physicians in Georgia although certified and listed on the National Registry engaged in unethical behavior (because the investigation is still ongoing both civilly and criminal cannot go into detail) that resulted in being decertified and expelled from the National Registry. The commercial drivers they reported to examined lost their medical certifications and the impact was felt not only in Georgia but several other states. Dozens of drivers were impacted.
• And the Largest Fraud to date:

• An investigation determined that while listed as a Certified Medical Examiner on the National Registry, Dr. Lefteris conducted a number of medical certification examinations that far exceeded a reasonable number of examinations. An undercover investigation conducted by the Georgia Department of Public Safety revealed that the purported medical examinations conducted by Dr. Lefteris at a truck stop in Atlanta, Georgia, exhibited a pattern whereby the examination was incomplete, required tests were not performed and information on the medical examination form was falsified.
With fraud cases constantly emerging, FMCSA required the development and implementation of a process to determine:

- The scope of the fraud
- The intent of the fraud
- The effect of the fraud

SDLA’s are an integral partner in assisting with the re-evaluation of drivers and/or the downgrading of drivers who cannot (or will not) successfully re-examine with a qualified ME.
• How do incidents of fraud get reported to FMCSA?
  • Complaints from public.
  • Driver complaints.
  • Complaints for other certified ME’s
  • FMCSA field – Compliance Investigations
  • Office of Inspector General (OIG) investigations
  • FMCSA Medical Program Audits
• Voiding Medical Examiners Certificates
  • The FMCSA Medical Division will make a request for and investigation through the Division Administrator (DA) for the State the ME is registered in.

  • The DA will assign an investigator to coordinate with the Enforcement and Medical Divisions.

  • Field Investigators will establish the details of the fraud committed and provide a report to the Medical Division with specific information on the ME, the violations committed and extent known of the number of drivers affected.

  • Medical Division makes determination to void MEC’s issued by the ME.
• Your part:
  • The DA for your state will reach out to your CDL Coordinator/Director and advise of the fraudulent MEC’s, requesting a search for drivers with MEC’s issued by ME, or person representing them self as an ME.

• A Template for reporting is supplied

• Timeline for information return is established.
• FMCSA compiles a "Master List" of drivers effected by the invalid MEC’s.
• FMCSA mails letters to drivers identified by the SDLA.
• Drivers are advised their MEC’s are not valid and they must obtain a new MEC and submit to SDLA in 30 days.
• ME is removed from Registry (if applicable).
• FMCSA will provide the SDLA with a list of drivers that received the notification letter, via e-mail.
• SDLA’s will receive a “sample” driver letter.
• SDLA’s will be advised of the date letters were mailed and the void date of the driver’s MEC.
• FMCSA will notify SDLA, shortly before void date, of drivers that have yet to provide a new MEC.
• SDLA’s must update CDLIS, within 10 business days of the void date, if the driver has not provided a new MEC to “not certified”.

• SDLA will notify driver of the “not certified” status and begin the license down grade process for the CDL/CLP within 60 business days.

• Within 30 days of the void date, FMCSA will request SDLA to indicate drivers who have/have not submitted new MEC’s.
• Closing the case:
  • After 60 days downgrade CDL/CLP
    • FMCSA will verify through CDLIS downgrades have been effected.

  • FMCSA will refer investigation to OIG.
• Recap:
  • We (FMCSA) need your help in ensuring drivers that utilize fraudulent Medical Examiners are aware that their examination did not qualify and could create a serious risk to the driver and public if not corrected immediately.
  • FMCSA will reach out to the SDLA’s through the Division Administrator of their state for assistance in identifying drivers that hold invalid MEC’s.
  • FMCSA asks that this process be undertaken in a timely manner in order to ensure at risk drivers are not operating on the highways.
For More Information
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