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3301-83-07 School transportation driver physical qualifications rule.

(A) A person who meets the physical qualifications set forth in this rule as certified by a proper medical authority may be authorized to operate a school bus, as defined by division (F) of section 4511.01 of the Revised Code, or a motor van vehicle other than a school bus as defined in paragraph (C) of rule 3301-83-19-04 of the Administrative Code, for the purpose of transporting pupils.

(B) Annual physical exams are to be performed for operators of school buses and motor vans as set forth in divisions (A) and (B) of section 3327.10 of the Revised Code. For purposes of this rule, a “medical examiner” is one of the professionals listed in those divisions of section 3327.10 of the Revised Code. ~~Annually, one or more of the following licensed individuals shall be appointed by all school bus owners to conduct the medical examinations in compliance with this rule:~~

- (1) ~~A person licensed under Chapter 4731. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;~~
- (2) ~~Physician assistant;~~
- (3) ~~Certified nurse practitioner;~~
- (4) ~~Clinical nurse specialist;~~
- (5) ~~Certified nurse midwife; or~~
- (6) ~~A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49.C.F.R. part 390.~~

(C) Physical examination time schedule

- (1) School bus and motor van drivers' medical examinations are to ~~shall~~ be scheduled after the first day of May and the completed medical examination is ~~shall~~ be valid for the upcoming school year. A completed T-8 form is to ~~must~~ be on file in accordance with procedures established by the department of education and workforce and must be accomplished ~~completed~~ before drivers will be qualified to operate a school bus or motor van other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board for the next school year. ~~The medical examination is valid so long as it has been completed by one of the licensed persons identified in paragraph (B) of this rule.~~
- (2) Persons employed as new drivers before January first are to ~~must~~ meet the physical qualifications as defined in paragraph (E) of this rule prior to operating a school bus or motor van other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board and be re-examined if re-employed as a school bus or motor van driver for the next school year.
- (3) Persons employed as new drivers on or after January first are to ~~must~~ be examined prior to operating a school bus or motor van other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code with passengers on board and the examination will remain valid throughout the following school year. ~~Re-examination will be required if the driver is to be employed as a school bus driver for the second complete school year.~~

(D) A person may be certified by the appointed medical examiner as physically qualified to operate a school bus or motor van if the person:

Commented [FH1]: This rule has been updated according to SB 9 (134th GA)'s requirement that restrictive regulatory language be removed, to correct the name of the agency consistent with HB 33 (135th GA), and to reflect other changes made by HB 33, including the revision of R.C. 4511.76, which authorizes an expanded use of vans for pupil transportation. Language has also been revised for clarity, to remove redundant language already set forth in other law or rule, for ease of reference, and to reduce regulatory burden.

Commented [FH2]: A definition of "motor van" has been added to rule 3301-83-04 for clarification purposes consistent with the use of that term in R.C. 4511.76, as amended by HB 33, and R.C. 3327.10.

Commented [FH3]: Language in paragraph (B) (1) - (6) is removed as it duplicates language in R.C. 3327.10.

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- (1) Has no loss of a foot, a leg, a hand, fingers, or an arm. Upon request to the department, a driver applicant missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the person's ability to control and safely operate a school bus or motor van and satisfactorily perform other related duties. Individuals who are granted a an impaired or missing limb waiver ~~shall~~ are to be re-evaluated prior to applying for renewal of a T-9 certificate;
- (2) Has no impairment of the use of a foot, a leg, a hand, fingers, or an arm, and no other structural defect or limitation which is likely to interfere with a person's ability to control and safely operate a school bus or motor van. Upon request made to the department, a driver applicant with an impairment to missing a foot, leg, fingers, hand, or arm, may request a performance evaluation to be conducted by the Ohio pre-service program instructor(s) to determine the applicant's ability to control and safely operate a school bus or motor van and satisfactorily perform other related duties. Individuals who are granted a an impaired or missing limb waiver ~~shall~~ are to be re-evaluated prior to applying for renewal of a T-9 certificate;
- (3) Has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. Drivers who are insulin dependent are not eligible to operate school buses or motor vans ~~shall be failed on this item, and shall~~ unless they have ~~be required to obtain~~ ed a waiver from the department pursuant to paragraph (F) of this rule;
- (4) Annual urinalysis screening for glucose is to be performed ~~is required~~. If glucosuria is detected, a medical examiner's statement regarding the potential condition of diabetes mellitus and any necessary ~~required~~ treatment is to be attached to the T-8 form. If the medical examiner determines diabetes mellitus is not likely to impair the ability to operate school buses or motor vans, and the individual is not insulin dependent, a medical examiner will provide certification to that effect with the examination report;
- (5) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure. A person with a history of cardiovascular surgery or abnormality will ~~shall~~ be given a more stringent examination (example: stress testing, holter monitoring, angiography or other examinations) to determine whether or not the surgery or abnormality is likely to impair a person's ability to control, inspect, and safely operate a school bus or motor van. If it is determined that the surgery or abnormality is not likely to impair the ability, a medical examiner ~~the examining physician~~ will provide certification to that effect with the examination report;
- (6) Has no history of transient ischemic attack (TIA), carotid insufficiency, cerebral vascular accidents (stroke) or other vascular abnormalities which are unstable or uncontrolled and/or likely to interfere with a person's ability to control and safely operate a school bus or motor van;
- (7) Has no established medical history or clinical diagnosis of respiratory dysfunction likely to interfere with a person's ability to control and safely operate a school bus or motor van;
- (8) Has blood pressure not higher than 160/90 mmHg. If the blood pressure is greater than 160/90 mmHg, a medical certificate is to ~~must~~ be attached to the T-8 form referencing the hypertension. To be eligible to drive a school bus or motor van, the ~~Said~~ medical certificate is to ~~must~~ establish the nature of the treatment, that the blood pressure is now controlled at or below 160/90 mmHg, with treatment documented, and that the hypertension and treatment are not likely to interfere with a person's ability to control and safely operate a school bus or motor van. If initial blood pressure systolic is 161-180 and/or

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diastolic is 91-104, a non-renewable temporary certificate may be issued for up to ninety days pending control of blood pressure at or below 160/90 mmHg. In all cases where blood pressure is initially greater than 160/90 mmHg, a six month follow-up certificate ~~will~~ must be furnished to the employer by the driver's treating ~~medical examiner~~ physician stating the blood pressure remains at or below 160/90 mmHg and under good control;

- (9) Has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, or neuromuscular disease which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;
- (10) Has no established medical history or clinical diagnosis of epilepsy or any other seizure disorder and has no other condition which is likely to cause loss of consciousness or any loss of a person's ability to control and safely operate a school bus or motor van;
- (11) Has no mental, emotional, nervous, organic, or functional disease or psychiatric disorder which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;
- (12) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least seventy degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber. Persons may use corrective lenses to attain these standards;
- (13) Screening audiometer test does not indicate an average hearing loss in the better ear greater than forty decibels at five hundred Hz, one thousand Hz, and two thousand Hz with or without a hearing aid when the audiometric device is calibrated to "American National Standard" (formerly ASA standard) Z24.5. (Hearing in at least one ear ~~is to~~ must meet the preceding criteria);
- (14) Has no current clinical evidence or clinical record of use of illegal substances, or the use of prescription drugs not in accordance with a current, valid prescription, and has no current clinical evidence or clinical record of use of legally prescribed medication which is likely to interfere with a person's ability to control and safely operate a school bus or motor van;
- (15) Has no recent history of alcohol abuse and has no current clinical diagnosis of alcoholism;
- (16) Has no neurologic deficit that would impair a person's ability to control and safely operate a school bus or motor van;
- (17) Does not show clinical evidence of active pulmonary tuberculosis or other communicable diseases; and
- (18) Has speech and other communication capabilities to give clear and understandable directions or commands.

(E) Administration

- (1) School bus or motor van drivers who have experienced a prolonged period of absence due to illness or injury or who have a significant change in their state of health are to be re-examined at the discretion of ~~may be required by~~ the school bus or motor van owner ~~to be re-examined~~ in accordance with this rule.
- (2) Currently employed school bus or motor van drivers disqualified by the appointed medical examiner

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~~examining physician shall~~ are to be notified by the school bus or motor van owner within fifteen days following receipt of the examination report. Currently employed school bus or motor van drivers desiring to appeal a disqualification ~~may shall~~ file the appeal in writing within no more than fifteen days with the school bus or motor van owner.

- (3) Upon receipt of an appeal, the school bus or motor van owner ~~is to shall~~ arrange for a medical re-examination. The re-examination may be conducted by a public health board or private medical examiner ~~physician who was not the medical examiner that performed~~ The re-examining physician shall not be the physician administering the original examination.
- (4) All re-examinations ~~will shall~~ be based on the school bus or motor van driver physical qualifications set forth in this rule and ~~shall be~~ are final.
- (5) Physical qualification examination reports ~~are to shall~~ contain a release authorization to be signed by the examinee for purposes of evaluation by the medical examiner ~~constituted authorities~~.
- (6) Costs for examinations ~~required to the extent of compliance with this rule shall be~~ are the responsibility of the school bus or motor van owner.
- (7) Physical examination reports for persons certified by the medical examiner ~~examining physicians~~ as meeting this rule ~~are to shall~~ be retained for a period of six years by the school bus or motor van owner. ~~The employing school bus owner shall file the appropriate copy of the examination report with the department within thirty days following the examination.~~

(F) Insulin dependent waivers

The department may grant waivers to insulin using individuals under the following conditions:

- (1) The individual has not had a previously issued insulin waiver revoked or lapsed;
- (2) The individual completes an insulin dependent waiver packet and submits the packet to the department's pupil transportation office;
- (3) The individual has passed all other components ~~requirements~~ of the Ohio school transportation vehicle physical;
- (4) The individual possesses a currently valid operator's driver license and has had a driving record for a ~~three~~two-year period immediately preceding the date of application that:
 - (a) Contains no suspensions or revocations of their licenses for the operation of any motor vehicle, including their personal vehicle, except for suspensions or revocations due to nonpayment of fines;
 - (b) Contains no involvement in a reportable accident in any vehicle with an associated citation for a moving traffic violation; and
 - (c) Contains no involvement in more than one serious traffic violation in any vehicle as defined in division (II) of section 4506.01 of the Revised Code.
- (5) Medical components ~~requirements~~ for application
 - (a) The individual has provided a licensed endocrinologist with a complete medical history including, but not limited to, the date insulin use began, all hospitalization reports, consultation notes for

Commented [FH4]: Language removed to reduce regulatory burden.

Commented [FH5]: Change is made from three years to two years consistent with the qualifications for drivers set forth in Rule 3301-83-06(B).

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diagnostic examinations, special studies pertaining to the diabetes, all follow-up reports, and reports of any hypoglycemic insulin reactions within the last three years;

- (b) The individual has been examined by a licensed endocrinologist and a complete medical evaluation concerning their medical history and current status has been made, including, at a minimum, the following:
- (i) Fasting blood studies (glucose, glycosylated hemoglobin/Hb A1c, including lab reference range) and urinalysis performed during the last six months; ~~and~~
 - (ii) A detailed report of insulin dosages and types, diet utilized for control, and any significant factors such as smoking, alcohol use, and other medications or drugs taken; and

(iii) Assessment of proliferative diabetic retinopathy.

Commented [FH6]: Language is relocated here from (F)(6)(m).

- (c) The individual submits a signed statement prepared by the examining endocrinologist whose license status is indicated. The signed statement is to ~~shall~~ include separate declarations indicating the following medical determinations:
- (i) That the endocrinologist is familiar with the applicant's medical history for the past three years either through actual treatment over that time or through consultation with a medical examiner ~~physician~~ who has treated the applicant during that time;
 - (ii) That the applicant has been using insulin to control ~~his/her~~ the applicant's diabetes on the date of the application;
 - (iii) That the applicant does not have severe hypoglycemia or episodes of altered consciousness requiring the assistance of another person to regain control;
 - (iv) The applicant does not have hypoglycemia unawareness or the inability to recognize the early symptoms of hypoglycemia such as sweating, anxiety, forceful heartbeat, and light-headedness;
 - (v) That, within the past three years, the applicant has not had a hypoglycemic reaction at any time that resulted in any change in mental status that would have been, in the endocrinologist's opinion, detrimental to safe driving;
 - (vi) That the applicant's diabetic condition will not adversely affect ~~his/her~~ the applicant's ability to operate a school bus or a motor school ~~school~~ van;
 - (vii) That the applicant has been educated in diabetes and its management, thoroughly informed of and understands the procedures that are to ~~must~~ be followed to monitor and manage ~~his/her~~ the applicant's diabetes, and what procedures should be followed if complications arise; and
 - (viii) That the applicant has the ability and has demonstrated willingness to properly monitor and manage ~~his/her~~ the applicant's diabetes.
- (d) The individual submits a separate statement from an examining ophthalmologist that the applicant has been examined and that the applicant does not have unstable proliferative diabetic retinopathy or unstable advancing disease of blood vessels in the retina and has stable visual acuity of at least 20/40 (Snellen) in each eye separately, with or without corrective lenses.

- (6) Requirements of driver to Mmaintaining a valid waiver.

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Special conditions that shall be met for any waiver issued to an insulin-using diabetic driver to remain valid. Each insulin-dependent driver will ~~shall~~ comply with the following requirements:

- (a) ~~Carry, use, and record, in a log, the readings from a portable self-monitoring blood glucose device (SMBG) that is equipped with a computerized memory. Blood glucose monitoring shall is to be performed one hour prior to and approximately every four hours while on duty. Paper tapes generated by SMBG's having a printing capability may be used in lieu of a log prepared by the waived driver. The driver will present the glucometer or a printout of the device's electronic records, showing the preceding three months of~~ Log records of blood glucose values, ~~shall be made available to the department or~~ any authorized enforcement official upon request;
- (b) Carry, upon their person, and use, as necessary, a source of rapidly absorbable glucose;
- (c) Carry insulin and the equipment/materials necessary for administering the medication;
- (d) Report, in writing, any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the issuance of such citation. A photostatic copy of the citation issued ~~shall is to~~ accompany the written report;
- (e) Report, in writing, the judicial or administrative disposition of any citation for a moving violation involving the operation of any vehicle, including personal vehicles, to the employer and the department no later than fifteen days following the notice of disposition;
- (f) Report, in writing, any involvement in an accident whatsoever, regardless of whether the driver was cited, while operating any vehicle, including personal vehicles, to the employer ~~and the department~~ no later than fifteen days following the accident, and include in that report, any state, insurance company, and/or motor carrier accident reports;
- (g) ~~Report, in writing, any change of residence, address, or telephone number to the department no later than fifteen days after such change;~~
- (h) ~~Report, in writing, any change of employer, including name, address, and telephone number, or type of vehicle operated to the department no later than fifteen days after such change;~~
- (i) Submit any medical information derived from medical assistance or treatment arising from any accident involvement to the department ~~no later than fifteen days~~ upon request following the accident. A copy of the attending medical specialist and laboratory reports may be provided to satisfy this paragraph ~~shall also meet the reporting requirement;~~
- (j) ~~Submit log records of blood glucose values for a twenty four hour period immediately prior to any accident involvement to the department no later than fifteen days following the accident;~~
- (k) ~~Submit a signed statement from the a licensed endocrinologist, upon request of the employer, that the driver has been examined and that any diabetic condition is currently stable and under control. Log records of blood glucose values for the preceding three months are to be made available to the examining endocrinologist at the time of the examination, who conducted the initial medical evaluation to the department no later than fifteen days before each six month anniversary of the waiver issuance date, that the driver has been examined and that any diabetic condition is currently stable and under control. This semiannual examination shall be conducted within the six week period immediately preceding each six month anniversary of the waiver issuance date. Log records~~

Commented [FH7]: Language is updated to reflect SMBG's electronically log blood glucose values; the device or printout of the electronically stored logs may be used to document historical blood glucose levels rather than relying on typed or handwritten logs. The rule establishes a three-month historical record as the minimum time period to provide evidence of long-term glycemic control consistent with FMCS Regulations (49 CFR 391.46).

Commented [FH8]: Language in paragraphs (F)(6) (f) - (h), (j) and (l) is stricken to reduce regulatory burden. Language in (m) is removed as it is addressed in paragraph (D)(12) and new (F)(5)(b)(iii).

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~~of blood glucose values for the preceding three months shall be made available to the examining endocrinologist at the time of the required examination;~~

- (l) ~~Waived drivers who use a medical specialist, other than the specialist who conducted the initial medical evaluation, shall be re-examined by an endocrinologist, using the criteria and procedures established for the pre-qualification examination, and submit a signed statement from that licensed endocrinologist;~~
- (m) ~~Submit a signed statement from an ophthalmologist to the department no later than fifteen days before each anniversary of the waiver issuance date that the driver has been examined and does not have unstable proliferative diabetic retinopathy, and that the driver continues to have stable visual acuity of at least 20/40 (Snellen) in each eye, corrected or uncorrected. This annual examination shall be conducted within the six-week period immediately preceding the anniversary of the waiver issuance date.~~
- (7) All documentation described in paragraph (F)(5) of this rule is to shall be mailed to the department's pupil transportation office, 25 South Front street, Columbus, Ohio 43215-4183. Failure to timely submit reports may be cause for waiver revocation.
- (8) Any individual driver operating a school bus or motor van ~~other pupil transportation vehicle described in rule 3301-83-19 of the Administrative Code~~ granted a waiver pursuant to this rule shall remain subject to the provisions of section 3327.10 of the Revised Code, including providing written notice of incidents as set forth ~~the reporting requirements specified~~ in division (D) of section 3327.10 of the Revised Code.
- (9) Applicants for a waiver from the insulin-using diabetes mellitus qualification requirement shall be are to ~~required to~~ submit applications on plain paper and include all supporting documents and the information as set forth in this paragraph ~~paragraph (F)(9) of this rule~~. Each information item is to shall contain a complete and appropriate answer, or, if an item is not applicable, marked with "none."
- (a) Vital statistics
- (i) Name of applicant (first name, middle initial, last name);
 - (ii) Address (street number and name);
 - (iii) City, state, and zip code;
 - (iv) Telephone number (including area code);
 - (v) Sex (male or female);
 - (vi) Date of birth (month, day, and year);
 - (vii) Age;
 - (viii) State driver's license number and a list of all licenses held during the three-year period immediately preceding the date of application to operate a school transportation vehicle;
 - (ix) Issuing state;
 - (x) Driver's license expiration date;

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(xi) Driver's license classification; and

(xii) Employer's or prospective employer's name, address, and telephone number.

(b) Experience

(i) Number of years and approximate miles driving school buses;

(ii) Approximate number of years and miles driving a commercial motor vehicle (CMV) as defined in rule 4901:2-5-01 of the Administrative Code ~~CMV other than a school bus~~; and

(iii) Number of years driving vehicles other than a CMV or school bus.

(c) Experience factor

(i) Unless the department is satisfied otherwise, ~~the a driver has must have~~ accumulated at least ~~three~~ two years' experience operating a CMV on a regular basis and that experience ~~is must be~~ recent enough to reflect the driver's capabilities; and

(ii) Additionally, to qualify for a waiver, a driver ~~has shall have~~ a clean driving record as described in paragraph (F)(4)(a) of this rule for the three years immediately preceding the date of ~~your~~ the application.

(d) Applications ~~will shall~~ include supporting documents necessitated by ~~for the requirements set forth in~~ this rule and any other documents deemed necessary by the department.

Commented [FH9]: Change is made from three years experience to two years consistent with the qualifications for drivers set forth in Rule 3301-83-06(B).

(G) The following applies to waivers under this rule:

~~(10)~~ A waiver issued by the department is valid for ~~six~~ three years ~~from~~ the date of issuance unless the waiver is revoked by the department for cause or based on a change in statute or rule.

~~(11)~~ A waiver issued by the department may be revoked for failure to comply with ~~any requirement included in~~ this rule.

~~(12)~~ All medical documentation submitted to the department according to ~~as required by~~ this rule may be reviewed by a panel of physicians appointed by the department. This panel of physicians ~~is to shall~~ make a recommendation on whether a waiver should be issued based upon medical documentation.

~~(13)~~ The department ~~has shall have~~ final approval ~~say~~ on all waiver determinations.

Commented [FH10]: Validity of waiver is changed to six years to align with six year duration of driver certificate.