

## Medical Fitness for Duty Determinations

### 1. FITNESS FOR DUTY DETERMINATIONS

Fitness for duty determinations require that medical practitioners understand the underlying physical condition, how that condition is impacted by service in the maritime environment, and how the condition itself can impact maritime and public safety.

- Seafarers work in a multitude of environments and conditions that can impact their physical condition and may prevent them from obtaining timely medical care. Remote locations with minimal, if any, medical resources is common and the loss of a functioning mariner on a vessel can significantly impact the rest of the crew, both in regards to routine and emergency duties.
- Medical conditions need to be considered with respect to functional impairments, stability, need for surveillance, and the risk of incapacitation.
- Medical practitioners should consider medication needs, possible impairment or incapacitation from required medications, and the consequences of missed dosages or lost medication.
- Physical ability requirements are discussed in Enclosure (2) of NVIC 04-08, and must be considered in relation to the seafarer's medical condition. It should be understood that mariners must be able to perform both routine and emergency procedures. It should be noted that NVIC04-08 is not all-inclusive and additional medical information may be requested to clarify status and stability of the condition.
- Medical conditions that preclude performance of these duties increase the risk to remaining crew, property, and public safety.
- Recommendations for fitness for duty by treating practitioners are taken into consideration by the National Maritime Center (NMC) personnel evaluating the medical condition of the mariner. It should be noted, however, that treating practitioners often make recommendations without fully understanding fitness for duty guidelines and the marine transportation system (MTS) safety needs. Final determination will be made in accordance with the overriding safety needs of the MTS.

The determination of whether or not a mariner is fit for duty is based on a medical evaluation of the physical examination form and supporting documentation submitted by the applicant. The medical evaluation is a three-step process, however, not all applicants are subject to all three steps:

1. **Medical Screening:** Certified medical assistants (CMA) review every physical examination arriving in the medical division. The CMAs have a limited ability to grant waivers and clear approximately 70 percent of the files without any further review required.
2. **Initial Medical Review:** Any medical condition deemed outside of the scope of the certified medical assistant (CMA) is then reviewed by a mid level medical provider, physician assistant (PA). The PAs review all application files which require a more comprehensive review. These evaluators have the ability to grant waivers, request additional information and are authorized to speak with the applicant's physician when there are questions with regards to fitness for duty requirements or requested information.
3. **Second Level Review:** If a physical examination has been evaluated and determined that the mariner may not be fit for duty, the file is then submitted to our senior evaluation staff for final determination.

## 2. MEDICAL SCREENING

The medical screening process is a review of the CG-719K or CG-719K/E Merchant Mariner Credential Medical Evaluation Report submitted to the NMC, Medical Evaluation Division (NMC-6). Medical screeners review the physical examination form and determine if the applicant's file requires a medical evaluation, operational limitation, hearing or vision waiver.

The scope of the medical screener's ability to grant a waiver and/or operational limitation is delegated pursuant to guidance in NMC work instructions and guidance from the Medical Division chief. This process allows for up to 70 percent of applications processed through the medical division and move on to the next credentialing step without further medical review.

### 3. MEDICAL EVALUATIONS

The medical evaluation process is a consultative review of the Merchant Mariner Credential Medical Evaluation Report submitted to the NMC, Medical Evaluation Division (NMC-6). This review follows an unsuccessful screening due to medical history, condition, medications or any contradicting information noted on the physical examination form or supporting documentation submitted with the application.

Mariners applying for entry level positions (Ordinary Seaman, Wiper, or Food Handler) are not held to the same medical standards as mariners applying for qualified rating positions.

### 4. MEDICAL WAIVERS

Medical Waivers are granted for conditions documented on the physical examination form or supporting documentation submitted by the applicant, when the condition has been identified as not posing a significant risk to maritime safety. The waiver is an acknowledgement by the NMC that the condition was identified and places a responsibility on the mariner to report any change in the identified condition. Conditions that have progressively worsened may potentially affect a mariner's fitness for duty.

When granting a waiver, the NMC may apply a requirement or limitation to the waiver. It is the mariner's responsibility to read the waiver letter and any applicable requirements/limitations in order to maintain the waiver. 46 CFR does not specifically address the innumerable diagnoses with possible associated requirements. NVIC 04-08, however, does state that one of the outcomes of the NMC medical review may result in a determinate that "the application does not possess the vision, hearing or general physical condition necessary, but a credential may be issued with appropriate limitation, waivers and/or other conditions for issuance of the credential specified by the NMC."

Mariners are required to sign, date and return a copy of the waiver letter to the NMC (as instructed). The mariner should carry this waiver letter at all times while acting under the authority of the credential.

Waivers may be rendered invalid due to changes in a mariner's medical condition and/or if a mariner fails to comply with waiver requirements.

## 5. SUPPORTING MEDICAL DOCUMENTATION

Frequently a mariner's medical examination will indicate treatment for an illness, injury or prescription medication which requires further clarification in order to make a fitness for duty determination. Awaiting Information (AI) refers to additional information requested by the medical evaluation staff to complete a medical evaluation. Ninety (90) percent of physical examinations submitted to the NMC are lacking the information required to make a fitness for duty determination, thus resulting in a request for additional information.

## 6. PHYSICAL EXAMINATION CHECKLIST

When completing the CG-719K or CG-719K/E form, please ensure that ALL blocks are filled in and fields completed. Physical examination forms missing information will incur delays in processing.

**Section III Medications:** Verify that ALL medications, vitamins, dietary supplements and/or performance enhancing substances are listed with the dosage and frequency. This includes both prescription and non-prescription substances.

**Section IV Certification of Medical Conditions:** Review and verify the medical history as reported by the mariner. Medical practitioner should provide details of conditions as indicated on the form and aid the mariner in submitting the supporting medical documentation needed for the noted conditions. The requirements for this supporting documentation are listed in NVIC 04-08.

Failure to provide the supporting medical documentation for noted conditions can lead to significant delays in processing and evaluation.

**Section V(a) Visual Acuity:** Ensure that both corrected AND uncorrected visual acuity is recorded, if applicable.

**Section V(b) Color Vision:** Ensure that test name and results are clearly marked. Use of color-sensing lenses is not authorized. Please contact the NMC for any questions regarding the tests listed or to determine if an alternative test is acceptable, prior to submitting the form.

**Section VI Hearing:** Instructions are as follows:

**Per 46 CFR 10.306: Hearing Requirements**

(c) *Hearing Test.* If the medical practitioner conducting the general medical exam has concerns that an applicant's ability to hear may impact maritime safety, the examining medical practitioner, if not qualified to conduct the appropriate examinations, must refer the applicant to an audiologist or other hearing specialist to conduct an audiometer test and/or speech discrimination test, as appropriate.

(1) The audiometer test must include testing at the following thresholds: 500 Hz; 1,000 Hz; 2,000 Hz and 3,000 Hz. The frequency responses for each ear should be averaged to determine the measure of an applicant's hearing ability. Applicants must demonstrate an unaided threshold of 30 decibels or less in at least one ear.

(2) The functional speech discrimination (FSD) test should be carried out at a level of 65 decibels. For issuance of an original MMC or endorsement the applicant must demonstrate functional speech discrimination of at least 90 percent. For renewal or raise of grade, the applicant must demonstrate functional speech discrimination of at least 80 percent. An applicant who is unable to meet the standards of the audiometer test, but who can pass the functional speech discrimination test or who requires hearing aids to meet the hearing standards, may be eligible for a medical waiver in accordance with §10.303 of this subpart.

*NOTE: Documentation of abnormal hearing on Pages 5 or 6 of the CG-719K form will require submission of an evaluation meeting the above mentioned testing guidelines. If audiogram results demonstrate an average threshold value of 30 dB or lower for each ear, the FSD testing will not be required.*

**Section VIII Demonstration of Physical Ability:**

If the examining medical practitioner doubts the applicant's ability to meet the guidelines contained within this table, the practitioner should require that the applicant demonstrate the ability to meet the guidelines.

All demonstrations of ability should be performed by the applicant without assistance.

Any prosthesis normally worn by the applicant and other aid devices such as prescription glasses may be used by the applicant in all physical demonstrations except when the use of such would prevent the proper wearing of mandated personal protective equipment (PPE).

If an applicant is unable to meet any of the guidelines contained within the table (page 8), the examining medical practitioner should provide information on the degree or severity of the applicant's inability to meet the guidelines.

## 7. WAIVER REQUIREMENTS

According to 46 CFR 10.303 "Where an application does not possess the vision, hearing or general physical condition necessary, the U.S. Coast Guard, after consultation with the examining licensed physician, licensed physician assistant, or licensed nurse practitioner may grant a waiver, if extenuating circumstances warrant special consideration."

During the medical evaluation process, the NMC may request additional information in order to obtain the necessary medical documentation to grant a waiver.

When granting a waiver, the NMC may apply a requirement or limitation to the waiver. It is the mariner's responsibility to read the waiver letter and any applicable requirements/limitations in order to maintain the waiver. Again, 46 CFR does not specifically address the innumerable diagnoses with possible associated requirements. NVIC 04-08, however, does state that one of the outcomes of NMC medical review process may be that "the applicant does not possess the vision, hearing or general physical condition necessary, but a credential may be issued with appropriate limitations, waivers and/or other conditions for issuance of the credential as specified by the NMC".

Mariners are required to sign, date and return a copy of the waiver letter to the NMC (as instructed). The mariner should carry this waiver letter at all times while acting under the authority of the credential.

Waivers may be rendered invalid due to changes in a mariner's medical condition and/or if a mariner fails to comply with waiver requirements.

## 8. DENIAL OF MEDICAL CERTIFICATION

If your application has been denied for medical reasons, there are two options for you to consider:

1. In accordance with 46 CFR 1.03 – 40, you may request reconsideration of this decision. Your request for reconsideration should address any possible errors, provide new facts or information and/or provide extenuating circumstances in order to mitigate the decision. The request for reconsideration must be made in writing and postmarked no later than 30 days after the date of the denial letter. The request for reconsideration will be reviewed and the applicant will be notified that the NMC has either: (1) reversed/modified the initial decision, or (2) upheld the decision to deny your application. If you disagree with the reconsideration decision, then you may make a formal appeal to the Director of Prevention Policy (CG-5P) at Coast Guard Headquarters, within 30 days of the date of the reconsideration denial letter.

While a request for reconsideration is pending, the original decision or action remains in effect, unless otherwise stayed. Failure to submit a formal request for reconsideration in accordance with the noted procedures and time limits will result in the decision or action becoming final agency action. It is recommended you retain copies of all material you send with any request for reconsideration. Attach a copy of the denial letter received to any documentation you provide to the NMC in response to the notification.

2. You may apply for Document of Continuity by submitting a separate application via one of the CG Regional Examination Centers and return your credential with the application in accordance with 46 CFR 10.227 (g).

## 9. REQUESTS FOR RECONSIDERATION OF MEDICAL DENIALS

A team of qualified physicians reviews all reconsideration requests to determine if your eligibility has changed.

**Reconsideration Approvals:** Reconsideration approvals will be forwarded to Professional Qualifications Evaluation (PQE) division for processing of your credential, if applicable. A medical waiver may be included with your credential (see Medical Waivers).

**Reconsideration Denials:** Your reconsideration package has been reviewed by our physicians who have determined that your eligibility is unchanged. The NMC takes every step to assure reconsiderations are thoroughly reviewed. If we deny your reconsideration, your reconsideration denial letter is forwarded to the NMC Commanding Officer for final review and signature.

If your reconsideration request has been denied, there are two options for you to consider:

1. In accordance with 46 CFR 1.03 – 40, you may request formal appeal. Your formal appeal should address any possible errors, provide new facts or information and/or provide extenuating circumstances in order to mitigate the decision. The formal appeal request must be made in writing and postmarked no later than 30 days after the date of the reconsideration denial letter. Please forward your request for formal appeal to the Director of Prevention Policy (CG-5P) at Coast Guard Headquarters for consideration of your appeal.

While a formal appeal is pending, the original decision or action remains in effect, unless otherwise stayed. Failure to submit a formal appeal in accordance with the noted procedures and time limits will result in the decision or action becoming final agency action. It is recommended you retain copies of all material you send with any request for formal appeal. Attach a copy of the reconsideration denial letter received to any documentation you provide to the NMC in response to the notification.

2. You may apply for Document of Continuity by submitting a separate application via one of the CG Regional Examination Centers and return your credential with the application in accordance with 46 CFR 10.227 (g). For more information on a Document of Continuity, go to the NMC website.

## 10. APPEALS

Request for a formal appeal following a reconsideration denial must be made in writing to the Director of Prevention Policy (CG-5P) at Coast Guard Headquarters. The Director of Prevention Policy (CG-5P) oversees all aspects of the appeal process. For information regarding the status of your appeal, please contact Director of Prevention Policy (CG-5P) at Coast Guard Headquarters.