**Section 1035.20 Annual Medical Examination and Certificate**

a) All applicants for a school bus driver permit must demonstrate physical fitness to operate a school bus by undergoing a medical examination, including tests for drug and alcohol use, conducted by a medical examiner within 90 days prior to the date of application for the permit.

b) An applicant who, within 90 days prior to the date of application, has undergone a medical examination complying with subpart E of 49 CFR 391.41 (October 1, 2015) shall be exempt from the corresponding requirements of this Section, provided that the applicant submits to the Secretary of State a copy of the federal medical examiner's certificate (49 CFR 391.43, October 1, 2015) and/or a copy of the CCF form signed by the medical examiner.

c) Except as provided in subsection (b), the medical examination for all applicants shall be performed in accordance with the provisions of this Section and the instructions contained on the Secretary of State Physical Examination and Certificate for Illinois School Bus Driver form, which may be obtained from the Secretary of State for the use of the medical examiner.

d) Each applicant to be tested for drugs shall consent in writing to provide a split urine specimen for this purpose as part of the applicant's annual medical examination and shall authorize the release of the results of the tests to the medical examiner. Those persons responsible for collection of the specimen shall ensure that the split specimen is not substituted, adulterated or diluted by the applicant during the collection procedure. The split specimen bottle shall be labeled to identify its source and shall be delivered to the testing laboratory by U.S. mail, personal delivery by the medical examiner's staff, a professional messenger service, or other means that preclude tampering with the split specimen. Those persons responsible for collecting, processing and testing the specimen shall maintain and be able to document a chain of custody for the split specimen that ensures its integrity.

e) Drug Test Results

1) A person shall be deemed to have failed to obtain a negative result on a drug test if he/she:

A) Fails to appear for any test within 24 hours after being directed to do so by the employer;

B) Fails to remain at the testing site until the testing process is complete, as determined by the collector;

C) Fails to provide a urine specimen;

D) If applicable, fails to permit the observation or monitoring of his/her provision of a specimen;

E) Fails to provide sufficient amount of urine when directed and it has been determined, through a required medical evaluation, as set forth in 49 CFR 40.193 (October 1, 2015), that there was no adequate medical explanation for the failure;

F) Fails or declines to take a second test as directed by the employer or collector;

G) is reported by the MRO as having a verified adulterated or substituted test result;

H) Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector or behaves in a confrontational way that disrupts the collection process);

I) Is reported by the MRO as having a positive drug test result.

2) These standards apply only to drug tests that are not required by 49 CFR 382 (October 1, 2015), but are required as part of the school bus driver permit program (see IVC Section 106.1) or the school bus driver endorsement program (see IVC Section 6-508).

f) The split specimen shall be tested for marijuana metabolites, cocaine metabolites (Benzoylecgonin), opiates metabolites, amphetamines and phencyclidine (PCP) using the tests and standards for positive test results specified in 49 CFR 40.85 (October 1, 2015). Testing shall be conducted by a laboratory certified by either the Illinois Department of State Police pursuant to 20 Ill. Adm. Code 1286 or the U.S. Department of Transportation pursuant to 49 CFR 40 (October 1, 2015).

g) The laboratory shall report the test results only to the medical examiner. The medical examiner shall review confirmed positive test results in order to determine whether there is a legitimate medical explanation of legal drug use for each positive test result. The medical examiner may, at his or her discretion, consult with any other medical examiner whose expertise in the area of substance abuse may, in the examining physician's judgment, be helpful in reviewing test results. The medical examiner shall record his or her findings on the applicant's medical examiner's certificate. If the medical examiner determines there is no legitimate medical explanation for a positive test result for one or more of the tested drugs, the applicant shall be ineligible to receive a school bus driver permit.

h) Each applicant, as part of the annual medical examination, shall also be tested to assist the medical examiner in determining whether the applicant has a current clinical diagnosis of alcoholism. The medical examiner shall record on the Physical Examination and Certificate for Illinois School Bus Driver form those tests that were administered, as well as the medical examiner's findings as to whether the applicant has a current clinical diagnosis of alcoholism. An applicant with a current clinical diagnosis of alcoholism shall be ineligible for a school bus driver permit.

i) Each initial applicant, as a part of the medical examination for a school bus driver permit, shall be tested for tuberculosis as outlined in subsection (j)(13). Reapplicants will not be required to be retested for tuberculosis as part of the annual medical examination unless, in the judgement of the medical examiner, the test should be performed in order to determine if the applicant is physically qualified to operate a school bus. Any applicant who allows his or her school bus permit to expire for more than 30 days is, pursuant to Section 1035.25(j), considered a new applicant and, as such, shall be required to be retested for tuberculosis.

j) An applicant shall be considered physically qualified to operate a school bus only if he or she:

1) has no loss or impairment of a hand, finger, arm, foot, or leg that would interfere with the safe operation of a school bus or has had such loss or impairment compensated for in a manner satisfactory to the medical examiner;

2) has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control that is likely to interfere with the ability to safely control and drive a school bus;

3) 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;

4) has no established history or clinical diagnosis of a respiratory dysfunction likely to interfere with the ability to safely control and drive a school bus;

5) has no current clinical diagnosis of high blood pressure likely to interfere with the ability to safely control and drive a school bus;

6) has no established medical history or clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease likely to interfere with the ability to safely control and drive a school bus;

7) has no established medical history or clinical diagnosis of epilepsy or any other condition that is likely to cause loss of consciousness or any loss of ability to safely control and drive a school bus;

8) has no mental, nervous, organic or functional disease or psychiatric disorder likely to interfere with the ability to safely control and drive a school bus;

9) 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 each eye with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, amber and green (i.e., no monocular individual may be considered qualified);

10) first perceives a forced whispered voice in the better ear at not less than 5 feet with or without a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500Hz, 1,000Hz and 2,000Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard Z24.5-1951;

11) does not use amphetamines, cocaine, marijuana, opiates, phencyclidine, or any other mind altering drug or substance, or any prescribed drug that may interfere with the ability to safely operate a school bus;

12) has no current clinical diagnosis of alcoholism; and

13) has a negative reading/test result on a tuberculosis test or has a positive result on a tuberculosis skin test and either:

A) is receiving prophylactic treatment; or

B) has inactive tuberculosis as diagnosed by X-ray.

k) The medical examiner's conclusion as to whether the person he or she examined is qualified to drive a school bus shall be recorded on a medical examiner's certificate with the form set out in Appendix A.

l) One copy of the completed physical examination and medical certificate is to be forwarded by the medical examiner to the employing agency or organization of the applicant; one copy is to be retained by the applicant; and one copy is to be retained by the medical examiner.

(Source: Amended at 40 Ill. Reg. 9646, effective July 1, 2016)