



Shenna Bellows  
Secretary of State

*Department of the Secretary of State*

*Bureau of Motor Vehicles*

Catherine Curtis  
Deputy Secretary of State

**JOINT STANDING COMMITTEE ON TRANSPORTATION**

Testimony of Shenna Bellows Secretary of State  
Department of the Secretary of State

March 14, 2023

Testifying In Opposition To

**L.D. 272 “An Act Regarding the Issuance of Driver’s Licenses to Persons with Obstructive Sleep Apnea”**

Senator Chipman, Representative Williams, and Members of the Joint Standing Committee on Transportation, my name is Shenna Bellows and I am the Secretary of State and chief motor vehicle officer, and I reside in Manchester. I am speaking today in opposition to LD 272.

One reason we are in opposition is because we believe most of the intent of section 2 of LD 272 has been met in the recent rulemaking process the Bureau of Motor Vehicles (BMV) recently underwent.

One of the fastest growing medical conditions here in Maine is obstructive sleep apnea with national data reflected in our medical review case load at BMV – causing an increase from over 4,000 reviews in 2017, to roughly 14,000 in 2022.

As a result, we know that an increasing number of Maine’s drivers are now having to navigate BMV’s medical review process that determines driver safety for certain medical conditions.

In 2017, two factors combined to drive that uptick in reviews for sleep apnea. The first was an overall increasing trend in the number of people diagnosed with the condition. The second was our change to our license application form adding sleep apnea to the list of conditions an applicant would need to self-declare. These changes initiated the trend, and that trend came to the fore in 2021 with this Committee.

As many of you will recall, in April 2021 concerns regarding sleep apnea were discussed before this Committee in response to two identical bills but neither bill was enacted.

Occurring simultaneously, our BMV medical team and the Medical Advisory Board (MAB) were working on our recurring review of the relevant administrative rules. In recognition of the growing concern regarding sleep apnea, we went outside our normal process to convene an external panel of experts to inform the policy making effort. The extra panel members included 4 physicians from the critical care, pulmonary medicine and sleep medicine specialties—all who possessed knowledge on the impacts sleep apnea can have on a driver's safety, and how the medical review process can impact a driver's lifestyle and livelihood.

I am proud to report many of the concerns expressed by the public, and members of this committee in 2021 have been incorporated into the draft rules that are currently out for public comment. In the proposed rules, substantial changes are proposed. We reduced the frequency of review for most drivers from 1 year to 3 years, incorporated driving history into clinical evaluations, and provided greater deference to physician judgement in decision making.

We strongly believe these changes will provide the kind of relief Mainers are looking for. We have been in contact with some of the Mainers who voiced concern two years ago, and most of them are very happy to hear the improvements we have put in place.

We are also concerned the first section of this proposal does not address what we do in practice.

Neither the current rules, nor the proposed rules, articulate conditions where a driver diagnosed with sleep apnea would need to perform a driving evaluation. An additional road exam is a provision for some conditions in rule, but not for sleep apnea. Additionally, subsection 2 of Section 1252 identifies school bus and motorcycle endorsements as a distinct class of licensure. We are uncertain why this LD is looking to address only those two unique classes of licensure.

For these reasons we are in opposition to this bill. Thank you for allowing me to testify, and I am happy to answer any questions the committee may have.