

In the margin a seal bearing the National Coat of Arms of the United Mexican States reading: United Mexican States, Presidency of the Republic. VICENTE FOX QUESADA, Constitutional President of the United Mexican States, by the authority invested in me under Article 89, paragraph I of the Political Constitution of the United Mexican States, and under the aegis of Article 36, paragraphs I, XV and XXVII of the Organic Act of the Federal Public Administration; under Article 126 of the General Communication Routes Act; under Article 36 of the Federal Roads, Bridges, and Motor Carrier Transportation Act; under Articles 23, 28 and 29 of the Navigation Act; under Articles 40 and 59, paragraph X of the Railroad Service Regulatory Act, and under Article 6, paragraph X, 7 bis paragraph III, and Article 38 of the Civil Aviation Act, it is my will to promulgate the following:

TRANSPORTATION PREVENTIVE MEDICINE SERVICE REGULATIONS

DECREE amending, adding and repealing diverse provisions of the Transportation Preventive Medicine Service Regulations

In the margin a seal bearing the National Coat of Arms reading: United Mexican States, Presidency of the Republic.

I, **FELIPE CALDERÓN**, President of the United Mexican States, by the authority invested upon me under Article 89, Numeral I of the Political Constitution of the United Mexican States, and under the aegis of Article 36, Numerals I, XV and XVII of the Organic Act of the Federal Public Administration; under Article 126 of the General Federal Routes Act; under Article 36 of the Federal Roads, Bridges, and Motor Carrier Transportation Act; under Article 26 of the Navigation and Maritime Commerce Act; Under Articles 40 and 41 of the Railroad Service Regulatory Act, and under Article 6, Numeral X, and Article 38 of the Civil Aviation Act, it is my will to promulgate the following

DECREE AMENDING, ADDING AND REPEALING DIVERSE PROVISIONS OF THE TRANSPORTATION PREVENTIVE MEDICINE SERVICE REGULATIONS

SOLE ARTICLE. – Article 1; Article 2, Numerals I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XX, and XXI; Article 3, second paragraph; Article 4, second paragraph; Articles 5; 7; 8; 9; 10, Numerals III, IV, V, VI, VII, VIII, and second paragraph; Article 11, first paragraph, Numerals I, III, and IV; Articles 12; 13; 14; 15, Numerals III, V, VI, VII, and last paragraph; Articles 16; 17; 18; 19; 20; 21; 22; 24; 27; 28; 31; 32; 33; 34; 35; 36; 37; 38; 39, first paragraph, Numerals II and III; Article 40, first paragraph, Numerals III, VII, and VIII, and Article 41, as well as the names of Titles IV, V, VI **are hereby AMENDED**; Article 2, Numerals III bis, XVIII bis, XX bis, and XX ter; Article 10, third paragraph; Article 11, Numerals I bis and V; Article 15, Numeral VIII; Articles 15 bis, 17 bis, 37 bis, and 37 ter; Article 39, Numeral IV; Article 40, Numeral IX, and Article 59, as well as Title VII about Authorizations and Authorized Parties, that includes Articles 41 to 52; Title VIII about Suspension, Revocation and Termination of Authorizations, that includes Articles 53 to 57, and Title IX about Verifications, that includes Article 58—Title VII becomes Title X—**are hereby ADDED**; and Article 4, third paragraph, Article 6, and Article 10, Numerals IX and X; Article 15, Numeral IV; Articles 23, 25, 26, 29, and 30, and Article 40, Numerals IV and VI **are hereby REPEALED**—all these Articles belong to the Transportation Preventive Medicine Service Regulations—; to read as follows:

TRANSPORTATION PREVENTIVE MEDICINE SERVICE REGULATIONS

TITLE I

General Provisions

Article 1.- The statute herein serves the public interest, is compulsory and is intended to regulate the transportation preventive medicine service, by means of performing comprehensive psychophysical and in-service medical examinations, and toxicology testing in order to issue reports and certificates regarding both Mexican and foreign personnel who carry out operations and/or driving and/or assistance duties in the diverse federal transportation modes and their auxiliary services on general federal routes.

Article 2. - In addition to specific definitions provided in the diverse applicable regulations for each transportation mode and its auxiliary services, for purposes of the Regulations stated herein, the following definitions shall apply:

- I. Transportation Accident: Fortuitous and unforeseen event caused by a vehicle belonging to any of the federal transportation modes and their auxiliary services, which, while it is driven on a general federal route, incurs in an incident of any nature causing material damage to other vehicles, to the general federal routes, to the vehicle itself, its crew, passengers or to third parties and their property;
- II. Psychophysical Fitness: Set of compulsory and necessary psychological and physical conditions that must be met by personnel in order to perform all duties related to their jobs;
- III. Authorization: Document by which the Directorship General authorizes a private individual or corporate entity with the status of authorized third party to perform comprehensive psychophysical examinations and toxicology testing on personnel.
- III bis Fit Personnel Database: The Directorship General's roster that lists the personnel that have been examined and have the psychophysical qualifications for operating, driving or assisting the diverse federal transportation modes and their auxiliary services;
- IV. Concessionaire and/or Permit Holder: Private individual or corporate entity authorized to provide federal transportation and/or their auxiliary services on the general federal routes, and who is jointly and severally liable for overseeing that its personnel, in order to perform their duties, meet and comply with the obligations set forth herein and any other applicable provisions;
- V. Psychophysical Fitness Certificate: Document issued by the Directorship General, upon receipt of a psychophysical fitness report, by which personnel are authorized, from a medical standpoint, to operate, drive or assist a federal transportation mode and its auxiliary services;
- VI. Psychophysical Fitness Report: Medical opinion issued by the Directorship General itself or through an authorized third party, that contains the personnel's fitness medical diagnosis;
- VII. Psychophysical Unfitness Report: Medical opinion issued by the Directorship General itself or through an authorized third party, that contains the personnel's unfitness medical diagnosis;
- VIII. Directorship General: The Directorship General of Transportation Protection and Preventive Medicine;
- IX. In-Service Medical Examination: Set of medical examinations performed by the Directorship General for the purpose of examining personnel's health conditions, during their on-duty time on the general federal routes, in order to determine from a medical standpoint whether personnel are qualified to execute or carry out their duties;

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- X. Comprehensive Psychophysical Examination: Set of clinical, laboratory analyses, and imaging studies of a medical nature performed by the Directorship General, or by an authorized third party on personnel to determine whether they are qualified for service or not, from a medical standpoint, to carry out the duties related to their jobs;
- XI. Toxicology Testing: Clinical, chemical analysis performed by the Directorship General, or by an authorized third party, in order to detect whether or not personnel have consumed alcohol, psychotropic substances, narcotics, including medicines producing same effects, and all other pharmaceuticals that, in accordance with prevailing medical evidence, alter or may alter people's capability to carry out their duties;
- XII. Transportation Incident: Fortuitous and unforeseen event or fact that occurs during the operation of any federal transportation mode and their auxiliary services which, without being considered a transportation accident, affects or may affect general federal routes safety;
- XIII. Federal License, Title, Certificate or Maritime Identification and Seaman's Book: Document issued by the Secretariat to qualify personnel to operate, drive and/or assist any federal transportation mode and their auxiliary services, on general federal routes, provided personnel comply with the relevant requirements;
- XIV. Federal Transportation Mode: Overland, waterway or air transportation carried out on general federal routes;
- XV. Psychophysical Unfitness: Deficiency or loss of psychophysical fitness, characterized by the existence of organic-functional alterations stated in the medical requirements regarding each federal transportation mode and their auxiliary services, and detected by means of the medical examinations foreseen herein, which make personnel ineligible to operate, drive and/or assist the diverse federal transportation modes and their auxiliary services;
- XVI. Air operator: Owner or holder of an aircraft belonging to the State—defined under Article 5, Numeral II, letter a) of the Civil Aviation Act—, as well as any Mexican or foreign non-commercial private air transport, which is jointly and severally liable to monitor its personnel to comply with the provisions contained herein;

XVII. Personnel: Aeronautical technician, merchant marine technician, operator, driver or assistant of federal transportation services and their auxiliary services operating, driving or assisting the diverse federal transportation modes and their auxiliary services;

XVIII. Regulations: Are the Transportation Preventive Medicine Service Regulations;

XVIII bis. Medical Requirement: Document that establishes the mandatory and essential psychophysical conditions and the possible organic-functional alterations that will be taken into account to carry out a comprehensive psychophysical and in-service medical examination and a toxicology test in order to determine the personnel's psychophysical fitness or unfitness;

XIX. Secretariat: Is the Secretariat of Communication and Transportation;

XX. Transportation Preventive Medicine Service: Activity through which comprehensive psychophysical and in-service medical examinations and toxicology tests are performed, and upon which personnel psychophysical fitness or unfitness reports are based;

XX bis. Diagnostic Auxiliary Services: Those services referred to in Article 139 of the Regulations of the General Health Act, concerning Medical Care Services;

XX ter. Authorized Third Party: Private individual or corporate entity authorized by the Secretariat, through the Directorship General, to conduct comprehensive psychophysical examinations or toxicology testing on personnel, as appropriate, and

XXI. Medical Units: Medical assistance centers established by the Secretariat within Mexican territory, where comprehensive psychophysical examinations and toxicology tests are performed on personnel.

Article 3. - The Secretariat is empowered to enforce and interpret the Regulations established herein.

The examinations referred hereinto shall be performed on personnel that have to have a Federal License, Title, Certificate or Maritime Identification and Seaman's Book, under the terms of the applicable provisions.

Article 4. - The Secretariat through the Directorship General is empowered to establish and maintain both fixed and portable Medical Units in Mexican territory in order to provide Transportation Preventive Medicine Services.

The examinations and reports referred hereinto may be performed and/or issued, accordingly, by the personnel of the Secretariat, or by authorized third parties.

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(Second paragraph is repealed)

Article 5. - The Directorship General is empowered to:

- I.** Perform medical examinations—comprehensive psychophysical, toxicology testing, and in-service—and issue certificates and reports regarding psychophysical fitness or unfitness;
- II.** Issue the medical requirements for each federal transportation mode referred to in Article 2, Numeral XVIII bis herein, and publish these in the **Federal Official Gazette**;
- III.** Perform, in compliance with the corresponding medical requirements for each federal transportation mode, the studies and examinations required to determine the personnel's psychophysical condition, and possible, conclusive, organic-functional alterations, and inform about the results, as needed, under the terms stated herein;
- IV.** Create and maintain a personnel's updated database, using the documentation and information at its command, as well as the information that authorized third parties are required to provide;
- V.** Handle the complaints and suggestions that a concessionaire, permit holder or air operator and personnel may file regarding the Transportation Preventive Medicine Service provided by authorized third parties;
- VI.** Authorize third parties to perform comprehensive psychophysical examinations and toxicology testing.
- VII.** Verify that authorized third parties comply with the conditions, stipulations and terms established herein and under other applicable provisions;
- VIII.** Modify, suspend, renew and revoke accordingly authorizations to authorized third parties;
- IX.** Require authorized third parties to provide to the Directorship General all the information and documentation related to actions set by the Regulations herein, and
- X.** Other provisions stated herein and under other applicable rules and regulations.

Article 6.- Repealed.

TITLE II
Examinations and Certificates
SECTION I
Comprehensive Psychophysical Examination

Article 7. - The Secretariat, through the Directorship General, or authorized third parties, shall perform comprehensive psychophysical examinations, and shall issue the corresponding report.

Article 8. - Personnel requesting a comprehensive psychophysical examination to the Directorship General, or to an authorized third party, may identify themselves with an official ID, which could be a voter's Registration Card issued by the Federal Electoral Institute (IFE), or, as the case warrants, a professional license, valid passport, approved military service card, and also:

- I. A certified copy of birth certificate;
- II. An original Single Population Identification Code (CURP) or a copy;
- III. An original proof of address or a copy;
- IV. Proof of payment.

Article 9. - Personnel shall periodically submit to a comprehensive psychophysical examination under the terms of the applicable medical requirement in order to assess personnel's health and determine personnel's psychophysical fitness or unfitness to perform the duties granted by a Federal License, Title, or Certificate or Maritime Identification and Seaman's Book.

Article 10. - The Comprehensive Psychophysical Examination consists of the following:

- I. Clinical History
- II. General Medical Examination;
- III. Ophthalmologic Examination: visual acuity, color discrimination, retina and campimetry;
- IV. Hearing Examination: hearing acuity, otoscopy;
- V. Pulmonary Examination: inspection, palpation, percussion, and auscultation of both hemithoraxes;
- VI. Cardiologic Examination: inspection, palpation, percussion, and auscultation of the heart area;
- VII. Neurologic Examination: alertness, photometry and eye accommodation reflexes, deep tendon reflexes, muscle tone, pathologic reflexes, and

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VIII. Psychological Examination and Assessment.

IX. Repealed.

X. Repealed.

The Directorship General, or an authorized third party, are empowered to perform on personnel additional complementary examinations, including toxicology testing, when they deem it necessary to issue or ratify an applicable report, based on the medical evidence arising therefrom.

According to the medical assessment, the Directorship General or an authorized third party, an examining physician and/or the compliance physician who issues the report, could omit, limit, or extend an examination to the organs and systems deemed affected, taking as a reference the unfitness causes set forth in the medical requirements of the corresponding federal transportation mode.

Article 11. - A comprehensive psychophysical examination shall be performed in the following cases:

- I. To obtain, renew, revalidate, or recover a Federal License, Title, Certificate or Maritime Identification and Seaman's Book, as well as the permits issued by the Secretariat for each federal transportation mode and their auxiliary services.
- I bis. To issue a psychophysical fitness certificate;
- II. Upon detection of any psychophysical alteration;
- III. After any transportation accident or incident involving personnel;

- IV. When personnel, a concessionaire, permit holder or air operator request a reassessment, and
- V. At the Directorship General's request.

Article 12. - A psychophysical unfitness report shall be passed for personnel who do not meet the minimum required psychophysical conditions set forth in the corresponding medical requirement.

SECTION II In-Service Medical Examination

Article 13. - The Secretariat, through the Directorship General, has the exclusive power to perform in-service medical examinations.

Article 14. - In order to get an in-service medical examination, personnel must invariably certify their identity before the Directorship General with a valid original Federal License, Title, Certificate or Maritime Identification and Seaman's Book, as required, at the time of the examination.

Article 15. - ...

- I. General physical examination;
- II. Intentioned interrogation;
- III. Assessment of vital signs;
- IV. Repealed.
- V. Eye and deep tendon reflexes examination, and psychomotor coordination;
- VI. Cardio-exploratory examination;
- VII. Alcohol intake screening, and
- VIII. Fatigue assessment.

The Directorship General is empowered to perform complementary examinations when it deems it necessary to emit an applicable report.

Article 15 bis.- In the event personnel would refuse to submit to an in-service medical examination, and other complementary examinations, including a toxicology test, the Directorship General shall invalidate their psychophysical fitness certificate, and shall notify the authority that issued their Federal License, Title, Certificate or Maritime Identification and Seaman's Book, for the purposes as may be required.

It shall also be necessary that personnel resubmit to a comprehensive psychophysical examination, in order to obtain a new psychophysical fitness certificate.

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SECTION III Toxicological Test

Article 16. - A toxicology test of the personnel's diverse body fluids and tissues, or a breathalyzer screening, shall be performed in the following cases:

- I. By the Directorship General:
 - a) As part of an in-service medical examination, and
 - b) Within 24 hours after being involved in a transport accident or incident;
- II. By the Directorship General or an authorized third party:
 - a) As a part of a comprehensive psychophysical examination;

- b) Upon detection of any psychophysical alteration or when an individual is suspected of having ingested alcohol, psychotropic substances, narcotics, including prescription medicines with such effect, and all those pharmaceuticals whose use might have a detrimental effect in the performance of duties, and
- c) When required by the terms of International Treaties and Agreements, to which the United Mexican States have subscribed.

Article 17.- A psychophysical unfitness report shall be issued when personnel test positive for consuming alcohol, psychotropic substances and/or narcotics, including prescription medicines with such effect, and all those pharmaceuticals whose use is forbidden under the health rules and regulations, or might have a detrimental effect in the performance of duties. The Directorship General shall notify the authorities that granted their Federal License, Title, Certificate or Maritime Identification and Seaman's Book, for the purposes as may be required.

Article 17 bis.- A psychophysical unfitness report shall be issued when personnel have refused to submit to a toxicology test, and therefore they will be disqualified to perform the duties granted by a Federal License, Title, Certificate or Maritime Identification and Seaman's Book, until a comprehensive psychophysical examination and a toxicology test are performed by the Directorship General or an authorized third party, under the provisions of Title III herein.

SECTION IV Psychophysical Fitness Certificate

Article 18. - The Directorship General shall issue a psychophysical fitness certificate upon making an examination of the personnel's psychophysical conditions in compliance with the terms established by the applicable medical requirement.

Article 19. - The Secretariat, through the Directorship General, shall issue certified copies of a psychophysical fitness certificate at the express request of a judicial authority, a foreign government, or personnel, in compliance with the principle of international reciprocity and the terms stated herein, and under the terms of International Treaties and Agreements, which the United Mexican States have subscribed.

Article 20. - Personnel needing the assistance of prostheses or specialized aid devices in order to obtain a psychophysical fitness certificate must utilize these when on duty and keep them in optimal working conditions.

Article 21. - Personnel must file an original psychophysical fitness certificate or a certified copy in order to apply for, renew, revalidate, or recover a Federal License, Title, Certificate or Maritime Identification and Seaman's Book, as well as the permits issued by the Secretariat for each federal transportation mode and their auxiliary services.

Article 22. - A psychophysical fitness certificate shall be valid for a period of 90 calendar days as of the date of issuance, so personnel may apply for or renew a Federal License, Title, Certificate or Maritime Identification and Seaman's Book.

Should this validity period of a certificate mentioned above be due, and personnel fail to obtain, renew, revalidate, or recover a Federal License, Title, Certificate or Maritime Identification and Seaman's Book, or any of the permits that the Secretariat issues for each federal transportation mode and their auxiliary services, a fitness examination shall be performed and a fee paid again.

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Whenever they are on duty on the general federal routes, personnel shall carry a certified copy or an original psychophysical fitness certificate under the terms set forth in the applicable medical requirements for each transportation mode issued by the Directorship General.

TITLE III Reassessment

Article 23. - Repealed.

Article 24.- Personnel may request a reassessment in order to be subjected to a comprehensive psychophysical examination mentioned herein, in the event they disagree with a diagnosis issued after undergoing a comprehensive psychophysical examination, in-service medical examination, toxicology testing, or when they have recovered from a previous medical condition.

A reassessment examination derived from an unfitness report issued after a comprehensive psychophysical examination carried out by the Directorship General can only be performed by the Directorship General.

Article 25.- Repealed.

Article 26. - Repealed.

Article 27. - Should a psychophysical unfitness report be issued due to psychotropic substance or narcotics abuse, including prescription medicines with psychotropic effects and alcohol consumption, personnel shall show 2 certificates issued by 2 physicians with a professional license and a psychiatrist qualification, or a certificate issued by an institution, which has a license or a permit (*aviso de funcionamiento*), as the case warrants, issued by the Secretariat of Health, where it should be determined:

- I. That their psychophysical condition bears no relationship with psychotropic substance or narcotics abuse, or with alcohol consumption;
- II. That they can perform their duties free of risk on the general federal routes, or, as the case warrants,
- III. That they have completely rehabilitated from alcohol consumption, or from psychotropic substance or narcotics abuse, including prescription medicines with such effect, under the terms of the health rules and regulations.

Personnel that have secured a psychophysical fitness certificate by means of reexamination under the terms of this Article, and test positive in a later examination for alcohol consumption, or for psychotropic substances or narcotics abuse, including prescription medicines with psychotropic effects under the terms of the health rules and regulations, shall not have the right to reexamination within a period of three years.

TITLE IV

Fit Personnel Database

Article 28. - The fit personnel database shall be available for the general public, and its information shall be classified according to the provisions of the Federal Transparency and Access to Public Government Information Act. Said information shall at least have the following: clinical file number, transportation mode, category, fitness diagnosis, validity, and responsible medical unit.

If the Secretariat public servants, or an authorized third party, fail to record information on the system, or misuse its information, applicable civil and criminal penalties shall be applied, abiding by the law, including, as the case warrants, administrative penalties.

Article 29.- Repealed.

Article 30. - Repealed.

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TITLE V

Medical Investigation of Accidents and Transportation Incidents

Article 31. - The Directorship General is empowered to investigate, from a medical standpoint, personnel involved directly or indirectly in any transportation accident or incident, in order to determine their psychophysical condition after an event.

Article 32.- Any investigation performed by the Directorship General, as referred in the Article above, shall be for the purpose of determining, from the medical standpoint, the degree of human error that produced an event and thereby formulate appropriate preventive recommendations to the appropriate authorities.

Article 33.- Total or partial results of investigations, and written and graphic information, and/or documentation or information of any other nature arising from the results of an investigation of a transportation accident or incident shall be classified according to the appropriate legal provisions, and shall only be released to the appropriate authority requesting it.

Article 34. - A concessionaire, permit holder, or air operator shall facilitate the efforts of the Directorship General personnel to investigate any and all transportation accidents and incidents referred to in this Title.

Article 35.- The Directorship General shall coordinate with the proper authorities in order to perform the appropriate medical examinations and draw the biological samples required for histopathology examinations, toxicology and complementary testing of the personnel involved in a transportation accident or incident, either at the scene of the event or at the place where personnel are subsequently transported.

Article 36.- When personnel are involved in a transportation accident or incident, the concessionaire, permit holder, or air operator with which personnel are under contract must notify the event to the Directorship General or any of its medical units, within twenty-four hours as of the time of the event's occurrence or as of the time to receiving news of the event.

Within that same term, a concessionaire, permit holder, or air operator shall present the personnel mentioned above, if their health condition allows, and, if not, the day after being released to work by the appropriate medical authority, in order to undergo a comprehensive psychophysical examination and toxicology testing, which shall be performed by the Directorship General, to determine the personnel's psychophysical fitness.

In the event personnel do not show up within the prescribed period, personnel will be judged as unfit pending a comprehensive psychophysical examination.

TITLE VI

Co-Responsibility of Concessionaires, Permit Holders, or Air Operators

Article 37. - A concessionaire, permit holder, or air operator shall incur co-responsibility with its personnel for incompliance with the provisions expressed herein and other applicable regulations.

Article 37 bis.- In order to guarantee operational safety on the general federal routes, a concessionaire, permit holder, or air operator shall implement a random drug and alcohol abuse prevention program, which shall include:

- I. A toxicology test to 50% of its personnel, at least every 12 months, and
- II. A breathalyzer screening to 50% of its personnel, at least every 6 months.

These tests can be performed both by the Directorship General or an authorized third party.

Article 37 ter.- When a test has been performed by an authorized third party, a concessionaire, permit holder, or air operator is required to make available to the Directorship General the results mentioned in the Article above.

Additionally to the established program mentioned in the Article above, a concessionaire, permit holder, or air operator may request to the Directorship General or an authorized third party a toxicology or a breathalyzer test whenever they have a justified suspicion that a controlled substance has been consumed.

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Article 38. - In any case in which a concessionaire, permit holder, or air operator becomes aware of any physical or mental alterations of its personnel, it must notify the Directorship General or an appropriate medical unit, within a period not to exceed two work days, so that an applicable comprehensive psychophysical examination can be performed.

Article 39. - It is the duty of a concessionaire, permit holder, or air operator to create and keep updated files of its personnel in service, which among other things must contain the following documentation:

- I. Copy of a valid Federal License, Title, Certificate or Seafarers' Certificate and Maritime Identification Card;
- II. Copies of valid psychophysical fitness certificates or copies of last certificates;
- III. Record of federal transportation accidents or incidents in which personnel have been involved, as well as the results of any medical examinations, and the diagnosis of fitness derived thereof, that may have arisen from these events, and
- IV. Toxicology and breathalyzer test results.

These files must be made available upon request to the Directorship General.

Article 40. - Within the first thirty days of each year, a concessionaire, permit holder, or air operator shall remit to the Directorship General a roster of its personnel in service containing the following information:

- I. Complete name;
- II. Place and date of birth;
- III. Federal Tax Payer Number Code (RFC), and Population Registry Code (CURP);
- IV. Repealed.
- V. Address;
- VI. Repealed.
- VII. Number of Federal License, Title, Certificate or Maritime Identification and Seaman's Book;
- VIII. Job description and date of expiration of Federal License, Title, Certificate or Maritime Identification and Seaman's Book, or the permits issued by the Secretariat for each federal transportation mode and their auxiliary services, and
- IX. Toxicology and breathalyzer test results, as the case warrants.

TITLE VII Authorizations and Authorized Parties

Section I Authorizations

Article 41. - According to the provisions herein, a comprehensive psychophysical examination and toxicology testing can be applied by private individuals or corporate entities, which have previously secured an appropriate authorization granted by the Secretariat, through the Directorship General.

Article 42.- The authorizations referred to herein are the following:

- I. Diagnosis auxiliary services;
- II. Examining physicians or paramedics;
- III. Compliance physician;
- IV. Alcoholometry technicians, and
- V. Sample-taking technicians for toxicology testing.

Article 43.- In order to qualify for an authorization to provide diagnosis auxiliary services, interested parties shall comply with the appropriate criteria for getting a health institution certificate, granted by the General Health Council, and file before the Directorship a written application attached with:

- I. Certified copy of articles of incorporation and, as the case warrants, amendments recorded in the Public Registry of Property and Commerce;
- II. Certified copy of notarized power of attorney, given to its registered agent for administrative actions, with the information recorded in the Public Registry of Property and Commerce;
- III. Certified copy of health license issued by the Federal Commission on Protection Against Health Risks;

- IV. Certified copy of the record of the Health Responsible Person filed before the Federal Commission on Protection Against Health Risks;
- V. Provide proof of administrative and technical competency, with the following:
 - a) State under penalty of perjury and sign that the applicant, the person in charge of the laboratory, as well as the person in charge of the diagnosis auxiliary service, have never been convicted due to a willful offense by means of an irrevocable judgment.
 - b) State under penalty of perjury and sign that the facilities and equipment to provide the requested diagnosis auxiliary service comply with health rules and regulations related to this service, and
 - c) Proof of fee payment.

In order to provide toxicology laboratory services, they shall also provide proof before the Directorship General of the following:

- I. Have proper facilities for taking samples, and
- II. Have technicians authorized by the Directorship General to take samples.

Article 44.- An application to be eligible to provide examining physician or paramedic services shall be filed by a private individual, and be attached with the following:

- I. An original birth certificate and a copy, or citizenship papers, or an immigration form--in the case of a foreigner;
- II. A copy of a voter's registration card issued by the Federal Electoral Institute (IFE), or a valid and approved military service card, or a valid passport;
- III. A copy of a professional license that is proof that the persons belong to the health personnel in the branch for which authorization is sought;
- IV. A proof of a qualification certification course determined by the Directorship General for assessing civil air, sea, railroad, and motor carrier transportation personnel;
- V. A Federal Taxpayer Code (RFC) and a copy of a Single Population Identification Code (CURP), and
- VI. Proof of fee payment.

When documents have been issued abroad, they shall be annotated and legalized by the Mexican consulate where the document was issued, and translated into Spanish by an expert translator authorized by the Judicial Branch of any state jurisdiction or federal entity.

Article 45.- When applying for a compliance physician authorization, an application shall be filed by a private individual and be attached with the abovementioned documentation, and also the following:

- I. A proof of qualifications to assess and diagnose drugs and alcohol abuse, and
- II. Either a professional title issued by a higher education institution, certified by an appropriate authority, or a professional license certifying a major in aviation medicine; or an equivalent of either in the event a compliance physician applies for an authorization to perform comprehensive psychophysical examinations to technical aviation personnel.

When documents have been issued abroad, they shall be annotated and legalized by the Mexican consulate where the document was issued, and translated into Spanish by an expert translator authorized by the Judicial Branch of any state jurisdiction or federal entity.

Article 46.- When applying for an alcoholometry technician authorization or a toxicology-testing sample-taking technician authorization, an application shall be filed by a private individual, and shall be attached with the following:

- I. An original birth certificate and a copy, or citizenship papers, or an immigration form--in the case of a foreigner;
- II. A copy of a voter's registration card issued by the Federal Electoral Institute (IFE), or a valid and approved military service card, or a valid passport;
- III. A proof of a certification course as alcoholometry technician;

IV. A Federal Taxpayer Code (RFC) and a copy of a Single Population Identification Code (CURP), and

V. Proof of fee payment.

Article 47.- The Directorship General shall issue either an authorization, or a resolution denying the appropriate authorization, in a term not to exceed thirty work days as of the date a complete and appropriate application was filed. Once the aforementioned term has expired, it shall be understood that the application was accepted.

The Directorship General may ask an applicant to explain the content or file the missing information or documentation, within a term not to exceed ten work days as of the date an application was filed.

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The Directorship General shall record and issue ID cards to personnel in the requested services, only if they pass the induction program established by the Directorship General.

Article 48.- As the case warrants, authorizations issued by the Directorship General shall have:

- I. Authorized party's name, company business or registered name, and address;
- II. Business purpose and legal basis;
- III. Established place of business for providing the authorized services;
- IV. Names of the medical personnel and people in charge of the diagnosis auxiliary services;
- V. Authorization requirements;
- VI. Validity period, and
- VII. Causes for suspension, revocation, and termination.

Section II Authorized third party

Article 49.- An authorization shall be granted for a term of 5 years, which can be extended subsequently in periods of the same length. For this purpose, an authorized party shall file before the Directorship General an application for renewal, at least 90 calendar days before the expiration date of the corresponding authorization.

Article 50.- An authorized third party shall freely establish fees for applying examinations, and the Directorship General shall be notified.

Article 51.- Within 10 work days after securing an authorization, an authorized third party shall file before the Directorship General the following documentation:

- I. A civil liability insurance policy secured with an institution registered before the National Board of Insurance and Bonds, which states the following concepts: medical or laboratory malpractice action and, as the case warrants, deficiency in the performance of toxicology testing. This policy shall cover an amount of 17,500 minimum wage days in the Federal District, and
- II. Bond policy issued by an institution registered before the National Board of Insurance and Bonds, which enables to answer back when the electronic system—which issues psychophysical fitness certificates—has been misused under the terms referred herein; this bond shall cover an amount of 17,500 minimum wage days in the Federal District.

Article 52.- In addition to the requirements derived from the provisions herein, from an authorization, and from the applicable rules and regulations, an authorized third party shall:

- I. Post fees, at all times, in a conspicuous area of the place where the corresponding examinations will be performed;
- II. Enroll the authorized personnel—which has a Directorship General granted ID card—in the training courses given and required by the Directorship General, and maintain such documentation as a proof of attendance;
- III. Assess the authorized personnel, pursuant to the Training Program and Ongoing Medical Assessment, and report the results to the Directorship General, within 5 work days as of the assessment date;
- IV. Provide the reports requested by the Directorship General;

- V. Instruct the personnel of the authorized service to perform the applicable examinations following the provisions issued by the Directorship General, and
- VI. Have at all times the equipment, facilities, and IT infrastructure—and other elements—as required in an authorization.

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TITLE VIII

Authorization Suspension, Revocation and Termination

Article 53.- The Directorship General may suspend an authorized service in the following cases:

- I. When failing to file timely, and failing to keep the applicable bonds and insurance policies valid, pursuant to Article 51 herein;
- II. When an authorized third party does not have neither qualified personnel nor the required equipment to provide the applicable service pursuant to the authorization granted;
- III. When an authorized third party does not comply with the requirements stated under Article 52 herein, and
- IV. Pursuant to other provisions established in the authorizations.

The Directorship General shall list in the Official Federal Gazette and on the Secretariat's web page, the suspended third parties, and the causes that led to such suspensions. The Directorship General shall interrupt a suspension only when the causes leading to it have disappeared.

Article 54.- In addition to the revocation causes stated in an authorization, the following also apply:

- I. Issuing a diagnosis without having previously performed the applicable comprehensive psychophysical examination;
- II. Tampering with or altering the data regarding personnel;
- III. When an authorized third party does not comply with a requirement established in an authorization, and such requirement is not a cause for suspension;
- IV. Failing to comply with compensation payments for damages originating in the performance of a service;
- V. Using a certificate referred to herein, violating the provisions herein or authorization provisions;
- VI. Charging fees not registered before the Directorship General;
- VII. Repeating any cause for suspension;
- VIII. Showing unskillfulness, recklessness, neglect, or inappropriate technique when applying a comprehensive psychophysical examination or a toxicology test, or incur in any other cause bringing about physical damage to personnel;
- IX. Refusing to provide an authorized service without justified cause, and
- X. When an authorized third party is convicted.

Article 55.- When an authorization has been revoked pursuant to Article 54, Numerals III, IV, VI, and IX, its holder will not be eligible for a new authorization, until a term of 5 years has passed as of the date this revocation takes effect.

Article 56.- When an authorization has been revoked pursuant to Article 54, Numerals I, II, V, VII, VIII, and X, its holder will not be eligible for a new authorization.

Article 57.- The following are reasons for terminating an authorization:

- I. Authorization expiration;
- II. Resignation or death of an authorized third party--in the case of a private individual;
- III. Dissolution or liquidation of an authorized third party--in the case of a corporation;
- IV. Bankruptcy protection proceedings of an authorized third party, and

V. Revocation.

In the event of an authorization termination, the Directorship General shall order the immediate cancellation of personnel's ID cards in the authorized service.

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**TITLE IX
Verifications**

Article 58.- The Secretariat, through the Directorship General, shall verify compliance with these Regulations. Verification audits shall be performed pursuant to the Federal Act of Administrative Procedures, and other applicable provisions.

For this purpose, a concessionaire, permit holder, or air operator, and an authorized third party, shall be required to give free access to Secretariat verifiers, and to make available to Secretariat personnel all the information and documentation requested.

**TITLE X
Administrative Petition to Review**

Article 59.- The invocation of the right to an administrative petition to review shall be subjected to the provisions established in the Federal Act of Administrative Procedures.

TRANSITORY ARTICLES

FIRST. - These Regulations shall take effect on the day after their publication in the **Federal Official Gazette**.

SECOND. - Until the medical requirements for each federal transportation mode and their auxiliary services stated herein have been issued, the relevant Appendices from Civil Aviation, Railroad, Maritime and Federal For-Hire Motor Carrier Transportation—published in the Official Federal Gazette on December 6, 1988—shall remain in effect.

THIRD.- Resolutions and certificates issued by the Directorship General prior to the publication of this Decree shall remain in effect in the same terms, until they have expired.

Signed and sealed at the Federal Executive Power Residency, in Mexico City, Federal District, on August 26, 2010. - **Felipe Calderón**. – Rubric. - Secretary of Communications and Transports, **Juan F. Molinar H.** - Rubric.

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