

AT-RISK DRIVER PROGRAM

MANDATORY REPORTING FOR MEDICAL PROFESSIONALS

FREQUENTLY ASKED QUESTIONS

Q: What medical impairments must be reported to DMV?

A: Oregon law requires that certain [physicians and health care providers](#) report to DMV, persons age 14 and older with [functional and/or cognitive impairments](#) that are [severe and uncontrollable](#), and such are likely to render it unsafe for the person to operate a motor vehicle. This mandatory medical reporting process became effective on June 1, 2004 and replaced the previous mandatory reporting of persons diagnosed as having a disorder characterized by momentary or prolonged lapses of consciousness.

Q: My patient has just been diagnosed with early Alzheimer's disease. Am I required to report?

A: The mandatory medical reporting law does not require that a person be reported to DMV solely on the basis of a medical diagnosis, but on how cognitive and functional impairments affect driving ability. Many people with early Alzheimer's disease are still safe drivers. A doctor is only required to report a cognitive impairment that is severe and uncontrollable. However, now may be a good time to begin a dialogue with the patient and/or family members regarding eventual retirement from driving. However, now may be a good time to begin a dialogue with the patient and/or family members regarding eventual retirement from driving.

Referring the patient to an Occupational Therapist or [Driver Rehab Specialist](#) will allow the person to remain driving as long as it is safe to do so. At the point cognitive and/or functional impairments become severe and uncontrollable, and you are acting in the role of the primary care provider, you are required to report the person to DMV.

Q: My patient is on _____ medication. Am I required to report?

A: DMV will not suspend a person's driving privileges based solely on the medication a person is taking. If the medication is a controlled substance, or will otherwise impair the patient's ability to safely operate a motor vehicle, they should be advised not to drive while taking the medication. A person may be cited for driving under the influence of intoxicants, even if the medication has been legally prescribed by a physician.

Q: Is drug and alcohol abuse included in the mandatory reporting program?

A: Drug and alcohol abuse may result in cognitive and/or functional impairments that are severe. However in order to meet the mandatory reporting threshold, the impairment(s) must also be uncontrollable. In many cases, impairments related to drug and alcohol abuse will improve or be resolved if a person abstains from abuse of the drug(s) and/or alcohol. In those cases, a person would not be reported to DMV under this program. However, a person should be reported when, based on the abuse of alcohol or drugs, they have developed permanent impairments that are severe and uncontrollable. A doctor may choose to report if they determine that the person's impairment(s) are severe and uncontrollable because the person refuses or has not responded to treatment. In addition, DMV's mandatory referral form specifically asks doctors to provide information about drug and alcohol abuse if it is a contributing factor to the impairment being reported.

Q: My patient had a loss of consciousness and control. Am I required to report?

A: No. Under the mandatory reporting system a person would only be reported if the patient has recurring losses of consciousness which are severe and cannot be controlled. To illustrate, under the previous mandatory "loss of consciousness and control" reporting system, a person diagnosed with epileptic seizures would be reported to DMV. Under the new mandatory reporting rules effective statewide June 1, 2004, the person would only be reported if the seizures cannot be controlled.

Q: After counseling, my patient agrees that she will voluntarily quit driving. Do I still need to file a report with DMV?

A: As a primary care provider you are still required to report a person who meets the severe and uncontrollable criteria REGARDLESS of whether or not an individual has volunteered to give up his driver license. A person with a current and valid driver license can visit a DMV field office and exchange it for an identification card at no charge. If the license is not valid, there will be a fee for the transaction.

Q: Do I need to report patients that I have not seen in the past six months?

A: No. Reports should be based on your patient's current medical status.

Q: What is my liability if I chose not to report to DMV?

A: If you make a report to DMV in good faith, you'll be immune from civil liability. If you chose not to make a report, you will also be immune from civil liability.

Q: What will happen to my patient after I submit the mandatory report?

A: DMV evaluates each mandatory report to ensure all mandatory reporting requirements are met. If accepted as a mandatory report, the person's driver license will be suspended. They will receive a Notice of Suspension in the mail, and their license suspension will take effect 5 days from the date on the notice. In most cases, they can contact DMV and request the opportunity to demonstrate that they can still safely drive by taking vision, knowledge and drive tests. Review and

clearance by DMV's Medical Determination Officer may be required before testing is allowed. The person's driver license will be reinstated after passing all required tests. If not accepted as a mandatory report, the information will be evaluated as a voluntary report under the provisions of the At-Risk Driver Program Non-Mandatory Reporting Program.

Q: What if my patient's condition improves due to remission, a new medication or other medical treatment?

A: A person suspended based on a mandatory impairment-based referral, whose impairment is no longer severe and uncontrollable based on remission, new medication, treatment, therapy, etc. can contact DMV to request the opportunity to demonstrate that they are able to safely operate a motor vehicle. In some cases they may be asked to provide updated medical information in order for DMV's Medical Determination Officer to determine if it is safe for them to begin the testing process. Their driver license will be reinstated upon passing all required tests.

Q: My patient has not yet reached the severe and uncontrollable reporting threshold, however I am concerned about her ability to drive. What should I do?

A: DMV has a [voluntary reporting system](#) that can be utilized by any medical professional, as well as family, neighbors and law enforcement. Reports may be based on medical condition or observed driving behaviors. You may request that your report remain confidential. There is no immunity from civil liability for making (or not making) a report under this system.