



Reporting Unfit Drivers

CPSA Guideline

Revised March 2003
Replaces June 1996

This information is designed to aid practitioners in making decisions about appropriate care. This document does not define a standard of care nor should it be interpreted as legal advice. Variations in practice may be warranted based on the needs of the individual patient, resources, and limitations unique to the institution or type of practice.

In June 1993, a cyclist was killed by a motor vehicle driven by a young man with a history of "spells of unconsciousness". The driver, who was taking Dilantin at the time, does not remember hitting the cyclist. The Fatality Review Board subsequently expressed concern that this individual had been allowed to drive a motor vehicle while apparently suffering from a seizure disorder.

Review of the medical history shows that the young man had been assessed and treated by a family physician, a psychiatrist, and three neurologists over the twelve months prior to this tragedy. Although the EEG's and a CT scan were normal, the symptoms (including loss of consciousness) were never disputed. The differential diagnosis included complex migraine, atypical anxiety attacks, and complex partial seizures with secondary generalization. He impressed his physicians as a responsible person who could anticipate his "spells" and take appropriate action to prevent harm. He was never advised that he should not drive a motor vehicle and he never notified the Motor Vehicle Division of his medical problem.

The *Traffic Safety Act*, Section 60 states that:

1. *No liability accrues to a physician, optometrist or other health care provider by reason only that the physician, optometrist or other health care provider provides to the Registrar under this Act information respecting a person's medical condition that may impair that person's ability to operate a motor vehicle in a safe manner.*

Although such reporting is not mandatory under the Act, physicians are protected from legal action when so doing. In Provinces where physicians are required to report drivers who fail to meet generally accepted medical standards, physicians have been held liable for ignoring their statutory obligation.

Those standards are published by the Canadian Medical Association "Determining Fitness to Drive : A Guide for Physicians." Fitness standards are detailed and specific and cover the spectrum of human disease to the extent that every physician should become familiar with them. You can view the guide from the CMA's web site, www.cma.ca, and going to the office of the Public Health pages under "Public Health Issues." You can order a paper version from the CMA.

Consistent in format with the driver's medical examination form, the standards are written so as to enable physicians to be as objective as possible. The physician need not declare his patient to be unfit - only to report a failure to meet the published standard.

Physicians should report these medical conditions either by careful completion of the appropriate form at the time of a driver's medical examination or by writing to:

Driver Fitness and Monitoring Branch
Alberta Transportation
Main Floor, Twin Atria
4999 - 98 Avenue
Edmonton, Alberta T6B 2X3

Phone: (780) 427-8230 Fax: (780) 422-6612

This office reviews every driver's medical form and report. Where a clinical condition fails the standard, the driver will be notified of restrictions or required to submit their drivers license. The complex or disputed cases are reviewed by a Medical Review Board comprised of experienced physicians who may request further medical evaluation, or recommend restrictions or the withdrawal of the license.

Examples of restrictions include: daylight driving only; defined radius from residence; no highway driving; no congested-traffic driving, etc.

Common problem areas prone to under-reporting include: dementia; syncope; and the Class 1 license with insulin-dependent diabetes mellitus or functionally-monocular vision.

Finally, the practice of reporting only when the patient may not be reliable is to be discouraged. Only by routinely reporting ALL failed medical standards, for the operation of a motor vehicle, will public responsibility for this important preventive health program become widely accepted.