Driver Medical Fitness

Program Overview







Purpose of this Overview

To increase health professional awareness of Driver Medical Fitness Program & Assessment Requirements

To improve efficiencies in submission of medical information for both RoadSafetyBC and medical practitioners

To improve reporting of medically at-risk drivers





RoadSafetyBC: Background

- RoadSafetyBC is the lead Provincial agency responsible for road safety in B.C., and is a part of the Ministry of Public Safety and Solicitor General
- The Superintendent of Motor Vehicles is the head of RoadSafetyBC
- RoadSafetyBC has several programs to accomplish its road safety mandate, including Driver Medical Fitness







Driver Medical Fitness Statistics

- Approximate Annual Volumes:
- 172,000 medical assessments each year
 - 7,800 unsolicited reports
 - o 3,100 drivers found unfit
 - 2,800 drivers do not comply and their Driver Licence is cancelled
 - 1,000 drivers voluntary surrender their Driver Licence





The Driver Medical Fitness Program

- The Driver Medical Fitness Program team consists of 20 Adjudicators, 5 Nurse Case Managers, 2 Team leads, 2 Managers and 1 Director
- The team adjudicates information to determine fitness to drive using:
 - Canadian Council of Motor Transport Administrators (CCMTA) Medical Standards for Driving with BC Specific Guidelines
 - Principles of administrative fairness and applicable case law
 - Medical reports and any other relevant and reliable information from police, ICBC, family members, citizens and other agencies

Information received is triaged according to risk





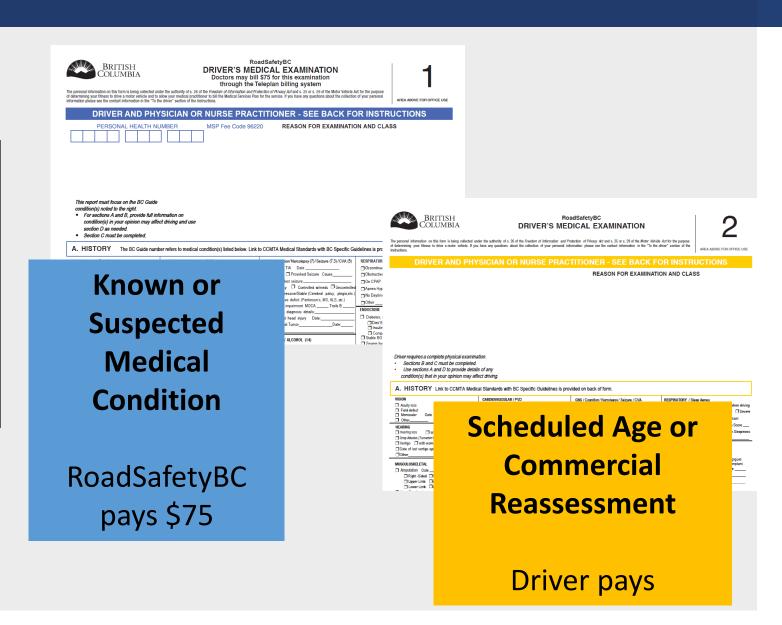
When is a Driver's Medical Examination Required?

- RoadSafetyBC receives an unsolicited report of concern from a medical professional
- RoadSafetyBC receives an unsolicited report of concern from police, a family member, or other reliable source
- Driver discloses a medical condition to an ICBC
 Driver Licensing Office
- A scheduled reassessment interval is due
- *A driver turns 80, or every two years thereafter (*currently on hold)
- A driver applies for a commercial class licence, or a routine commercial class screening is due





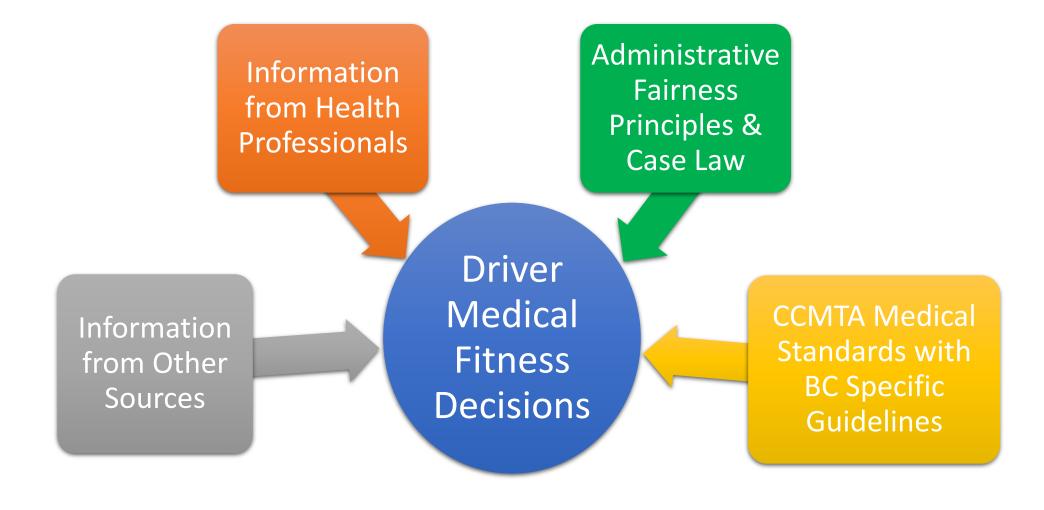
Driver Medical Examination Reports (DMERs)







Driver Medical Fitness Decisions







Administrative
Fairness
Principles &
Case Law

Considerations

 The Superintendent has ultimate responsibility under the Motor Vehicle Act for determining a person's fitness to drive

 The test to be met for Driver Medical Fitness decisions is reasonableness





Administrative
Fairness
Principles &
Case Law

Administrative Law Principles must be applied in fitness decisions A person affected by a statutory decision has the right to know the case against them and must be given an opportunity to respond to it:

- The person has a right to notice of a decision that will affect them.
- The person has a right to make a response to that decision.
- The person has a right to have the decision made by an impartial and independent decision maker.
- The person has a right to know the reasons for the decision.

A reasonable decision is one which falls within a range of possible, acceptable outcomes which are defensible in respect of the facts and law.





Information from Health Professionals

To meet the obligations of administrative fairness and relevant case law, health professional assessments should include:

- A diagnosis this alone does not generally suffice
- Associated symptoms, co-morbidities
- Level of severity, stability, acute/chronic
- Treatment compliance
- Collateral information (assessments, tests, specialist reports, reports from family, police reports)





Information from Health Professionals

Example: Reporting Cognitive Function

Should include:

A cognitive test score

Associated clinical attributes and history

Education level, Language barriers, Learning disability

Family concerns

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Information from Health Professionals

Example: Reporting Motor and Sensory Function

Should include:

Diagnosis – Severity & if Progressive, transient, or stable

Extent of ROM loss & which limbs are affected

Date of loss – *very important

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Information from Other Sources

Other Sources and Primary Concerns

Unsolicited Reporting

- 7,800 reports sent annually by medical personnel, police, family, and ICBC with concerns regarding the safety or fitness of a person to drive
- Report of a condition affecting fitness and ability to drive form is used by medical professionals to report concerns

The following conditions are of particular concern to road safety:

- Declining cognitive abilities (e.g. from dementia, CVA, TBI)
- Seizures or any high risk for sudden incapacitation
- Unstable psychiatric disorders
- Problematic alcohol/substance use





CCMTA Medical Standards with BC Specific Guidelines

Upon Review of Evidence Received

Referencing the CCMTA Guidelines, Driver Medical Fitness Adjudicators & Nurse Case Managers may:

- Request further medical information
- Request an on-road assessment:
 - Enhanced Road Assessment (ERA) (Class 5 only)
 - Commercial class re-examination, or
 - Occupational Therapist/Specialist Driving Evaluation (FDE)
- Cancel a driver's licence/downgrade
- Find the driver medically fit to drive





Driver Medical Fitness Decisions

Cancellation of a Driver's Licence

If a Driver Medical Fitness decision is to cancel a licence it must be based on:

- Reasonably reliable evidence of medical issue
- Reasonably reliable evidence of road safety risk
- In addition to medical standards, case law, administrative fairness principles





Driver Medical Fitness Decisions

Urgent Cancellation of a Driver's Licence

To urgently cancel a driver's licence, the information must meet the following:

- L. Evidence of medical urgency
- High threshold of public safety and immediate road safety concerns
- 3. Timeliness: date of the event/episode must be current (within 30-60 days, condition specific)
- IF the evidence meets the three criteria, then:
 - The licence is cancelled immediately, and the driver is sent a cancellation notice and letter via mail
 - The driver is given 21 days to request reconsideration of the decision to urgently cancel their licence
 - A remedy is provided in the letter (the information RoadSafetyBC will need to consider re-licensing)





Driver Medical Fitness Decisions

Notice to Cancel (NTC)

- Issued when all three urgent cancellation criteria are not met
- In NTC cases, the driver is notified in writing that RoadSafetyBC's preliminary assessment is that the driver's licence should be cancelled
- The driver has 30 days to respond to the concerns raised before a final decision is made







Enforcement Options

If you are aware that a driver is continuing to drive after their licence has been cancelled, you may:

- Complete the <u>Report of a Condition Affecting</u>
 <u>Fitness and Ability to Drive</u> form or write a letter
 to RoadSafetyBC and fax to 250-952-6888
- Phone RoadSafetyBC at 250-953-8612 and speak to a Nurse Case Manager who can assist you with reporting
- Phone your local police or RCMP to report your concerns

RoadSafetyBC can then take steps to prohibit the driver







Enforcement Options (Cont'd)

- If a prohibited driver is stopped by police:
 - Driver can be charged and is subject to arrest
 - Driver can be issued with a Provincial Appearance Notice resulting in a mandatory Court Appearance
 - Vehicle must be impounded for 7 days
 - Documents and report will be submitted to Crown for approval
 - If convicted in court → minimum penalty is \$500 with a mandatory 12 month automatic driving prohibition





Driver Medical Fitness Links



RoadSafetyBC Medical Professionals Page



Report of a condition affecting fitness and ability to drive



CCMTA Medical Standards for Drivers With BC Specific Guidelines (BC Guide)



Enhanced Road Assessment (ERA)



Dedicated phone line for physicians and other health professionals (250) 953-8612



<u>ICBC</u>