

Driver assessment and the duty to report

We know our patients intimately, their complaints and maladies. But do we know how they act when they get behind the wheel? We're called upon to reach that conclusion for all our patients, but mostly for those over the age of 80, who require a medical exam every 2 years in order to maintain their driver's licence. I've found the mnemonic SAFE DRIVE, from the Canadian Medical Association Driver's Guide, 7th edition, *Determining Medical Fitness to Operate Motor Vehicles*, a great help:

Safety record regarding driving.

Attention skills and deficits.

Family comments and observations on patient's driving.

Ethanol use.

Drugs and medication use.

Reaction times.

Intellectual function and impairments. Consider Mini-Mental State Examination, Montreal Cognitive Assessment or formal assessment.

Vision—visual acuity and peripheral vision.

Executive functional ability such as sequencing and multitasking.

There are times in an office setting when it is difficult to assess a patient's cognitive and physical abilities to drive safely. In most circumstances a recommendation for a road test will address the issue.

Occasionally, a more detailed assessment is necessary and the standard road test is not appropriate, perhaps because the patient requires a specially modified vehicle. Several agencies provide assessment of mental and physical abilities, offering both clinical and on-road assessment and driver rehabilitation on a fee-for-service basis. Find the one that could best

Eligibility for no-fault accident benefits

I recently received an e-mail asking if only those not at fault for an accident were eligible for no-fault benefits. The answer is no.

Basic vehicle insurance, available only from ICBC, provides accident benefits (including medical and dental care, rehabilitation, disability, funeral, and death benefits) regardless of whether the person is at fault for the accident.

These benefits are regulated by Part 7 of the Insurance (Vehicle) Regulation and may be referred to as Part 7 benefits. The benefits do not cover those amounts covered by private insurance, extended health benefits, and WorkSafeBC. The benefits typically cover those services available in the MSP Fee Schedule and do not cover expedited, alternative, or private services, or payment for pain and suffering or loss of enjoyment of life.

serve your patient at www.drivesafe.com/resources.html.

If you feel that a patient is unable to drive safely on a temporary or permanent basis, you need to advise the patient accordingly and recommend that he or she discontinue driving.

If you subsequently become aware that the patient continues to drive while still considered unsafe to do so, you have a duty to report this information to the Office of the Superintendent of Motor Vehicles (OSMV). Generally, personal health information is disclosed to third parties only with the consent of the patient, but when a physician believes that a person is unfit to drive and thereby may cause danger to him- or herself or others, the statutory duty to report takes precedence over the duty of confidentiality.

All documentation submitted to the OSMV and recorded there becomes subject to the provisions of the Freedom of Information and Protection of Privacy Act. The prudent physician will inform the patient that the usual requirements for confidentiality will not be maintained. The discussion should be documented in the chart. In British Columbia, the physician who reports a medically unfit driver is pro-

tected from legal action by the driver as a result of this reporting unless the physician acted falsely or maliciously.

Typically, after receiving the report, the OSMV will then request that the driver have a Driver's Medical Examination Report completed by his family physician, although the licence to drive may be cancelled immediately if the hazard is extreme. On-road assessment may be ordered by OSMV.

It is the physician's duty to report based on medical evidence. The physician has no authority to have the driver's licence cancelled. The decision to allow, modify, or deny a licence to operate a motor vehicle rests solely with OSMV, although the information from the physician is one of the factors used in making the decision.

If you have any questions, comments, or suggestions for future columns, please contact me at DrLaura.Jensen@ICBC.com

—**Laura Jensen, MD**
ICBC Medical Community
Liaison

The opinions expressed in this article are those of the author and do not necessarily represent the position of the Insurance Corporation of British Columbia.