

## Safe Driving With Medical Conditions

### Question

I have a patient whose medical condition makes driving a potential safety hazard; yet, the patient continues to drive. I am concerned not only for the patient's safety, but also for the safety of others. Should I report my findings to the state motor vehicle department?

### Answer

The obligation to report an unsafe driver varies by state, so healthcare providers should be aware of their professional responsibilities and the laws of the state(s) in which they practice. State regulations may (a) address mandatory or voluntary disclosure or reporting (which triggers HIPAA considerations); (b) outline specific medical conditions that require reporting; and/or (c) address the reporter's liability protection.

In Opinion 8.2 of the *Code of Medical Ethics*, the American Medical Association (AMA) recognizes that those who have medical conditions that affect their ability to drive safely can be a threat to both the public and themselves.<sup>1</sup> Even though physicians have a legal and ethical obligation to maintain patient confidentiality, exceptions to this responsibility exist when the health of the public comes into play. AMA asserts the following recommendations for healthcare providers when discussing the effects of medical conditions on the ability to drive safely and reporting patients:

- Assess at-risk patients for medical conditions that may affect their ability to drive safely. Remember that not all physical or mental impairments have to be reported.
- Discuss driving risks with the patient in a tactful and candid manner, and help the patient devise a plan to reduce any risks, including treatment or therapy options, changes in driving behavior, or other adjustments.
- Know that safety standards for those who drive commercial vehicles are subject to governmental medical standards that may not align with the standards for private licenses.

- Be informed about applicable state requirements for reporting to the licensing authority those patients whose medical conditions may adversely affect their driving.
- Before reporting a patient, explain your obligation to report to the patient (and the family, if applicable). Let the patient know that, ultimately, other authorities will determine whether the patient can drive safely.
- If reporting a patient, provide only the minimum necessary information to protect the patient's privacy.<sup>2</sup>

Ultimately, the healthcare provider should make the decision that best protects the patient and the public while balancing the patient's right to confidentiality and complying with state regulations. The provider should discuss the following with the patient, provide written instructions, and document the conversation in the health record:

- Medications or medical conditions that impair driving
- Circumstances in which the patient should not drive (e.g., at night, without corrective lens, when experiencing certain symptoms, in the absence of a medical device or assessment, etc.)
- Available transportation alternatives
- The state requirement (if any) to report unsafe drivers

Although the loss of driving privileges can significantly affect a patient's well-being, the risk of injury or death to the patient and others from a medical condition has to be considered.

## Resources

- [AMA Journal of Ethics: Physicians' Legal Responsibility to Report Impaired Drivers](#)
- [National Highway Traffic Safety Administration: Clinician's Guide to Assessing and Counseling Older Drivers](#)
- [National Highway Traffic Safety Administration: Presentation: The Contribution of Medical Conditions to Passenger Vehicle Crashes Using NMVCCS Data](#)
- [National Highway Traffic Safety Administration: The Effects of Medical Conditions on Driving Performance: A Literature Review and Synthesis](#)

## Endnotes

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<sup>1</sup> American Medical Association. (n.d.). Opinion 8.2: Impaired drivers & their physicians. In *Code of Medical Ethics*. Retrieved from <https://code-medical-ethics.ama-assn.org/ethics-opinions/impaired-drivers-their-physicians>

<sup>2</sup> Ibid.

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