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Purpose of this Overview

1. To increase health professional’s awareness of Driver Medical Fitness assessment requirements
2. To improve efficiencies in submission of medical information for both RoadSafetyBC and medical practitioners
3. To improve reporting of medically at-risk drivers
RoadSafetyBC

• RoadSafetyBC – previously the Office of the Superintendent of Motor Vehicles (OSMV) 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 Helpful Links
(all hyper-links are accessible in slideshow mode only)

- 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)
- Dedicated phone line for physicians and other health professionals (250) 953-8612
- Enhanced Road Assessment (ERA)
- ICBC
Driver Medical Fitness Program

• The Driver Medical Fitness Program team adjudicate information to determine fitness to drive using:
  o CCMTA Medical Standards for Drivers With BC Specific Guidelines
  o Administrative fairness principles and case law
  o Evidence of public safety risk and current medical information

• Information received is triaged according to risk
Driver Medical Fitness Statistics

Approximate Annual Volumes:

• 150,000 medical assessments each year
  ➢ 11,000 unsolicited reports
  ➢ 4,000 drivers found unfit
  ➢ 2,000 drivers do not comply and their Driver Licence is cancelled
  ➢ 800 drivers voluntarily surrender their Driver Licence

3.2 million drivers
Understanding Driver Medical Fitness

Right click on the flow chart to download a printable copy.
When does a driver get a Driver Medical Examination Report (DMER)?

- RoadSafetyBC receives an unsolicited report of concern from police, family member or public
- RoadSafetyBC receives an unsolicited report of concern from a medical professional
- Driver discloses a medical condition to a Licensing Office
- A scheduled reassessment interval is due
- A driver turns 80, and every two years thereafter
- A driver applies for a commercial class licence, or a routine commercial class screening is due

[Link to DMER]
Known or Suspected Medical Condition

Age Related or Commercial Reassessment
To meet the obligations of administrative fairness and case law, Health Professional assessments should include:

- Diagnosis (alone does not suffice)
- Associated symptoms, co-morbidities
- Level of severity, stability, acute/chronic
- Treatment compliance
- Collateral information (assessments, tests, specialist reports, reports from family, police reports)
Example: Reporting Cognitive Function

Should include:

- A cognitive test score
- Associated clinical attributes and history
- Education level, learning disability
- Language barriers
- Family concerns
Example: Reporting Motor & Sensory Function

Should include:

- Diagnosis
- Specifics (date of event/loss of ability)
- Extent of ROM loss
- Specify which limbs are affected
- Severity
- Progressive, transient, stable

Information from Health Professionals
Unsolicited Reporting

• 11,000 reports sent in by medical personnel, police, family, and ICBC with concerns regarding the safety or fitness of a person to drive.

• The following conditions are of particular concern to road safety: declining cognitive abilities, seizures, psychiatric disorders, and problematic alcohol/substance use.

Members of the Public Reporting a Concern about a Person’s Fitness to drive
Driver Medical Fitness Adjudicators may:

- Request further medical information
- Request a Functional Driving Evaluation:
  - Enhanced Road Assessment (ERA)
  - ICBC Road test re-examination
  - Occupational Therapist/Specialist Driving Evaluation
- Cancel a driver’s licence/downgrade
- Find the driver medically fit to drive
Administrative 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.
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 four basic principles of administrative law:
- 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.
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
Urgent Cancellation

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

1. Evidence of medical urgency
2. 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)
When all three urgent cancellation criteria are not met, a Notice to Cancel (NTC) is issued.

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 [Report of a condition affecting fitness and ability to drive](#) 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
If police encounter an unlicensed driver they may:

- Issue a violation ticket for the offense of no valid driver’s licence, or warn the driver

If a driver is convicted of a no driver licence infraction:

- ICBC records will post driver as “Vehicle Impoundment candidate/serve prohibition”. Police may then:
  
  - Issue a violation ticket to the driver again and police must:
    - give an Unlicensed Driver prohibition (driver is prohibited indefinitely)
    - impound vehicle for 7 days (time increases with subsequent violations)
Enforcement Options

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
Thank you

If you would like to provide feedback on this presentation, please send your comments or questions to RoadSafetyBC@gov.bc.ca