

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended, Be Printed Engrossed, and Be Placed on the Consent Calendar

Vote: 6 - 0 - 1

Yeas: Buckley, Gilman, Read, Smith G., Tomei, Beyer

Nays: 0

Exc.: Butler

Prepared By: Judith Callens, Administrator

Meeting Dates: 1/24, 3/5, 3/12

WHAT THE MEASURE DOES: Removes State Health Officer from obligation to determine medical eligibility to safely operate a motor vehicle. Establishes Department of Transportation medical determination officer's responsibility to determine medical eligibility to operate motor vehicle. Allows department to employ or enter into an agreement with any qualified physician, nurse practitioner or physician assistant, who holds an unrestricted Oregon license, to perform duties assigned to the medical determination officer. Requires medical determination officer to review any recommendations from health care professionals regarding the frequency of re-establishing eligibility for driver license or permit. Directs Department of Transportation to consider reported information in determining person's eligibility for a driver license or driver permit. Entitles person denied driving privileges to a contested case hearing.

ISSUES DISCUSSED:

- Public health officer focused on diagnosis instead of disability determination
- Definition of qualified medical practitioner
- Confidentiality of client records
- Medical Waiver and At-Risk Driver programs
- Separation between medical determination and administrative sanction
- Appeal process

EFFECT OF COMMITTEE AMENDMENT: Allows Department of Transportation to employ or contract with qualified medical practitioner who holds an unrestricted license in the State of Oregon. Deletes rulemaking authority to determine qualifications of medical determination officer. Requires medical determination officer to review any recommendations from health care professionals regarding the frequency of re-establishing eligibility for driver license or permit. Directs Department of Transportation to consider reported information in determining person's eligibility for a driver license or driver permit. Entitles person denied driving privileges to a contested case hearing under ORS 809.440.

BACKGROUND: Since the 1940's, the State Health Officer or his/her designee has had a statutory obligation to review medical eligibility for driver license applicants with specified medical conditions. The Department of Transportation administers the At-Risk Driver Program (for Class C automobile drivers) and Medical Waiver Program (for commercial driver license holders) under which drivers with certain medical ailments may request a certificate of eligibility from the State Health Officer certifying that their medical condition does not impair their ability to safely operate a motor vehicle. HB 2176A removes the State Health Officer as the certifying entity and establishes that responsibility with the Department of Transportation's medical determination officer.

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This summary has not been adopted or officially endorsed by action of the committee.