

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass
Vote: 6 - 0 - 0
Yeas: Edwards, Girod, Monroe, Starr, Thomsen, Beyer
Nays: 0
Exc.: 0
Prepared By: Patrick Brennan, Administrator
Meeting Dates: 4/23

WHAT THE MEASURE DOES: Specifies that physician or health care provider who voluntarily makes report in good faith to Department of Transportation regarding a cognitive or functional impairment to individual, which affects that individual's ability to safely operate motor vehicle, is immune from civil liability that might otherwise result from making report.

ISSUES DISCUSSED:

- History of the medical reporting program
- Activities of the At-Risk Driving Work Group
- Evaluation process for individuals referred to Department as potentially unsafe drivers
- Types of cognitive and functional impairment that could result in loss of driving privileges
- Importance of independence for the elderly
- Potential for progressive limitations
- Instances of temporary impairment
- Process for voluntarily giving up one's driver license

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In 2001, the Legislative Assembly instituted a medical reporting program (House Bill 3071) to help identify drivers who are no longer able to safely operate a motor vehicle and to report that information to the Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation. The legislation was based on a set of recommendations by the Older Driver Advisory Committee, which reflected the conclusion that neither age alone, nor the presence of various medical conditions, can be used to determine the risk of being involved in vehicular accidents. Physicians and health care providers worked with DMV to identify cognitive and functional impairments likely to affect a person's ability to safely operate a vehicle and to designate physicians and health care providers who would be responsible for reporting such impairments.

The program was fully instituted by June 2004, and consisted of three reporting components: mandatory reporting by primary care providers; voluntary reporting by law enforcement, other medical professionals, family members and others; and self-reporting by individuals at the time the license is issued or renewed. Drivers reported through the program are required to report to a DMV field office for evaluation and can have their license suspended if they fail to pass a driving or vision test. Approximately 73 percent of reports (of all types) result in immediate license suspension; only 11 percent of drivers whose licenses are suspended under the medical reporting program later regain their driving privileges.

Primary care physicians who are required to report through the medical reporting program are provided with legal immunity for reporting patients. House Bill 2195 extends this legal immunity to designated physicians and health care providers making reports through the voluntary reporting program.

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