

## Question:

Because of my patient's medical condition, I believe the patient can no longer safely drive. I am concerned not only for my patient's safety, but also for the safety of others. Am I obligated to report my findings to the state motor vehicle department?

## Answer:

The obligation to report an unsafe driver varies by state. As a result, knowing your state's regulations is important. Regulations may (a) address mandatory or voluntary reporting (which triggers HIPAA considerations); (b) outline specific medical conditions that require reporting; and/or (c) address the reporter's liability protection.

Ultimately, the healthcare provider must make the decision that best protects the patient and others, while also balancing the patient's right to confidentiality. After reviewing your state's regulations, meet with the patient. Discuss, document, and provide written patient instructions that include (a) medications or medical conditions that impair driving, (b) circumstances in which the patient should not drive, (c) transportation alternatives that might be available, and (d) your state obligation (if any) to report an unsafe driver.

## Resources:

- National Highway Traffic Safety Administration: Physician's Guide to Assessing and Counseling Older Drivers: Chapter 7, Legal and Ethical Responsibilities of the Physician — <http://www.nhtsa.gov/people/injury/olddrive/olderdriversbook/pages/Chapter7.html>
- National Highway Traffic Safety Administration: Physician's Guide to Assessing and Counseling Older Drivers: State Licensing Requirements and Reporting Laws — <http://www.nhtsa.gov/people/injury/olddrive/olderdriversbook/pages/Chapter8.html><sup>1</sup>

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<sup>1</sup> Call contact listed in above links to verify that these regulations are current.

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This document should not be construed as medical or legal advice. Because the facts applicable to your situation may vary, or the laws applicable in your jurisdiction may differ, please contact your attorney or other professional advisors if you have any questions related to your legal or medical obligations or rights, state or federal laws, contract interpretation, or other legal questions.

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