

Medical Fitness to Drive

At Medisec, we frequently receive queries from members regarding a doctor's obligations and requirements in respect of completing driving licence renewal forms and for reporting concerns about a patient's fitness to drive. This factsheet aims to provide guidance on the roles and responsibilities of the healthcare professional in such circumstances and to highlight the very useful *Sláinte agus Tiomáint - Medical Fitness to Drive Guidelines* to all practitioners.

Medical Fitness to Drive Guidelines

The principal source of guidance for doctors in relation to fitness to drive assessments is the "*Sláinte agus Tiomáint - Medical Fitness to Drive Guidelines*" (group 1 and 2 drivers), developed by the National Office for Traffic Medicine in conjunction with the Road Safety Authority (RSA). The Guidelines are reviewed and updated on a regular basis, to ensure that they continue to represent international best practice. The current Guidelines can be accessed through the National Driver Licence Service (NDLS) website.

The Guidelines deal with medical fitness to drive under the broad headings of neurological disorders, cardiovascular disorders, diabetes mellitus, psychiatric disorders, drug and alcohol misuse, visual disorders, renal disorders, respiratory and sleep disorders. Medical standards for driver licensing are put in place to ensure that a driver's health status does not increase their risk of causing harm to themselves and others.

Roles and responsibilities of the driver

A driver is obliged to inform the NDLS and their insurance provider of any long-term or permanent injury or illness that could cause or increase the risk of impairment while driving. Drivers with certain conditions will require a medical report to support their application for, or renewal of, a driving licence.

In addition, drivers aged 75 years and over, or where the driving licence or learner permit they are seeking to renew expires on the eve of their 75th birthday, will usually require a medical report with their application.

In the case of NDLS medical examinations, drivers/patients have a duty to declare their health status to the examining health professional. Drivers are also required to report to the NDLS when they become aware of a health condition that may affect their ability to drive safely. In addition, drivers should:

- adhere to prescribed medical treatment and monitoring / management plans for their condition;
- adhere to any driving restrictions advised by their doctor; and,
- comply with requirements of their licence as appropriate, including periodic medical reviews.

A driver should not drive when deemed medically unfit. They should be aware that there may be long-term financial, insurance, and legal consequences where there is a failure to report a medical condition that may impact their ability to drive safely.

Patients who are unknown to the practice

When patients who are unknown to the practice present for the purpose of applying for, or seeking to renew a driving licence; particularly a Group 2 driving licence, it is important for a doctor to take a cautious approach, as recommended by the Guidelines which state:

"Care should be taken when health professionals are dealing with drivers who are not regular patients. Some drivers may seek to deceive health professionals about their medical history and health status,

and may 'doctor shop' for a desirable opinion. If a health professional has doubts about an individual's reason for seeking a consultation, they should consider:

- Asking permission from the individual to request their medical file from their regular health professional.
- Conducting a more thorough examination of the individual than would usually be undertaken."

Roles and responsibilities of the healthcare professional

A doctor has an ethical obligation to give clear advice to a patient on the impact of medical conditions and treatments on their ability to drive, and to recommend restrictions and ongoing monitoring as required. If the doctor determines that a patient has a medical condition that will have an impact on the patient's driving ability, the doctor should:

- instruct the patient to notify the NLDS of their medical condition;
- complete the patient's NDLS medical form;
- provide a copy of the NDLS Driver Advisory form to the patient; and,
- carefully record details of advice and discussions with the patient in the patient's records.

Confidentiality and reporting to the NDLS

Doctors have both an ethical and legal duty to maintain patient confidentiality. Although confidentiality is an essential component of the doctor-patient relationship, there are, on rare occasions, ethically and / or legally justifiable reasons for breaching confidentiality, which are not discussed in this factsheet but further information can be obtained in our factsheet entitled "Confidentiality" available on our website. With respect to assessing and reporting a patient's fitness to drive, the duty to maintain confidentiality is legally qualified in certain circumstances in order to protect public safety.

The Medical Council's *Guide to Professional Conduct and Ethics for Registered Medical Practitioners*, 9th Edition, 2024¹ states:

"25.1 Confidentiality is central to the doctor-patient relationship. It supports trust and confidence and reassures patients that they can safely reveal information that is required in order for you to provide appropriate medical care.

*25.2 Doctors have a professional and ethical duty to maintain patient confidentiality. However, this duty of confidentiality is not absolute. **There are situations where the disclosure of relevant information is appropriate in the interest of patient care and there are also situations where disclosure of information is required by law or in the public interest.** Doctors also have a legal obligation towards the personal data of their patients.*

29. There are limited circumstances where you can disclose information without consent, when by law or in the public interest. When you disclose information as required by law or in the public interest, you should inform patients of the disclosure, unless this would undermine the purpose of the disclosure.

29.2 Disclosure to protect other individuals and in the public interest

There can be a public interest in disclosing information where the benefits to another individual or society outweigh the duty of confidentiality. This may occur in exceptional circumstances to protect individuals or society from risks of serious harm, such as from serious communicable diseases or serious crime. You must carry out a balancing exercise of individuals rights and the public interest. You may consider legal advice before making disclosure in such circumstances.

You should disclose the information to an appropriate person or authority and include only the information needed to meet the purpose.

Doctors may be obliged, in some circumstances, to breach confidentiality if the driver represents a risk to the safety of others, refuses to or cannot directly inform the NDLS, fails to stop or adapt driving appropriately, and is not amenable to appropriate persuasion and discussion.

A doctor should consider reporting directly to the NDLS in situations where the driver:

- is unable or unwilling to appreciate the impact of their condition which is impacting their fitness to drive; and is,
- unable or unwilling to take notice of the doctor's recommendations; and,
- continues driving despite appropriate medical advice and is likely to endanger the public.

Doctors should discuss the situation openly with the patient before making any notification to NDLS and encourage the patient to contact NDLS directly. On some occasions following a discussion, a patient may ask a doctor to make a notification to NDLS on their behalf, in which case their consent to do so should be fully documented on the patient's file. It is preferable that such action should be taken with the patient's knowledge. However, in exceptional circumstances, e.g., risk of violence to the doctor, a decision not to inform the driver of a planned report may need to be considered.

If the situation is urgent and arises outside of normal NDLS working hours, and in the opinion of the doctor is likely to prove a significant threat to the public, consideration should be given to inform the Gardaí.

We strongly recommend that our members contact us at Medisec for specific advice before taking any positive steps to breach patient confidentiality and make a notification to the NDLS, in the absence of patient consent to do so.

Restrictions on licence rather than cessation of driving

There may be options other than complete cessation of driving where a driver presents with a particular condition. The driver licence medical report form (D501) allows for a number of driving licence restrictions to be indicated by the doctor and these are summarised below.

"Restrictions which may be indicated on the driver licence medical report form (D501)

- *Needs driving to be restricted to certain type of vehicle.*
- *Needs vehicle adaptation(s) fitted to the vehicle.*
- *Limited to day-time driving (one hour after sunrise and one hour before sunset).*
- *Limited to journeys within a radius of 30km from place of residence.*
- *Limited to a speed not greater than 80km/h."*

For full details of these restrictions, please visit the NDLS website.

Medical conditions likely to affect fitness to drive

Patients may present to doctors with a range of conditions, some that affect driving temporarily, or may affect the patient's ability to drive at some time in the future, or that are complicated by the presence of multiple conditions. Doctors should be mindful of the negative impact that prescription medicine, e.g., central nervous system depressants, alcohol and substance abuse etc. has on individuals' ability to drive safely. The Road Safety Authority (RSA) has published a number of information leaflets on various topics such as Vision and

Driving, Medicines and Driving, Alcohol and Driving, which are all available on the NDLS website and extremely useful to provide to patients.

The Guidelines provide a focus on common conditions known to affect fitness to drive and, in particular, on determining the risk of a driver's involvement in a serious incident caused by loss of control of the vehicle.

Given the many causal factors in motor vehicle incidents, the extent to which medical conditions contribute is difficult to assess. There is, however, recognition in the Guidelines of the potential conditions to cause serious impairments, which can occur through three pathways:

1. Suddenly disabling events, i.e., syncope, epilepsy, Implantable Cardioverter Devices (ICDs).
2. Physical constraints, i.e., Parkinsonism, hemiplegia, vision.
3. Impairment of self-regulation, i.e., imprudence, psychiatric illness, cognitive impairment.

A patient may present with symptoms relevant to these pathways due to conditions such as:

- blackouts;
- cardiovascular diseases;
- diabetes;
- musculoskeletal conditions;
- neurological conditions such as epilepsy, dementia, and cognitive impairment due to other causes;
- psychiatric / mental health conditions.
(Advice is provided for counselling drivers with attention deficit hyperactivity disorder (ADHD) to avoid using alcohol and drugs. In addition, the RSA has published an information leaflet for patients: *ADHD and Driving*.)
- alcohol and substance misuse / dependency;
- respiratory and sleep disorders; and,
- visual disorders.

Doctors should be cognisant that other medical conditions or combinations of conditions may also be relevant. When assessing a patient's fitness to drive, particularly in respect of a Group 2 driving licence, doctors should use their professional judgement and consider seeking a more extensive assessment or specialist opinion, as required.

For a comprehensive guide to these conditions and their effect on driving, please refer to the relevant chapters in the Guidelines.

Temporary conditions

There is a wide range of conditions that temporarily affect a patient's ability to drive safely. These include conditions such as post major surgery, severe migraine, or injuries to limbs. The Guidelines state:

"These conditions are self-limiting and hence do not impact on licence status; therefore, the NDLS need not be informed. However, the treating health professional should provide suitable advice to such driver's regarding driving safely. Such advice should be based on consideration of the likely impact of the driver's condition and their specific circumstances on the driving task as well as their specific driving requirements."

In summary

- Doctors should keep abreast of the up-to-date *Sláinte agus Tiomáint – Medical Fitness to Drive Guidelines*, available on the NDLS website;
- It is a doctor's professional obligation to advise the patient on the impact of medical conditions and treatments on their ability to drive and to recommend restrictions and ongoing monitoring as required.

When prescribing certain medications, doctors should advise patients accordingly on how these drugs may affect their driving. Information leaflets published by the RSA may be of assistance here;

- When assessing fitness to drive in complex situations and particularly in respect of Group 2 driving licences, doctors should consider seeking further extensive assessment or specialist opinion as required;
- Restrictions / monitoring requirements should be recorded in the patient record and noted on the NDLS driver license medical report form (D501);
- It is the patient's responsibility to inform the NDLS of any driving restrictions advised by the doctor;
- If the patient does not inform the NDLS or fails to stop or adapt driving as advised, the doctor should firstly raise it with the patient, having a detailed discussion outlining clearly their advice to cease driving and the patient's responsibility to notify NDLS directly;
- The doctor should keep a detailed record of all conversations with the patient in their clinical records;
- If the patient fails to comply with this professional advice, the doctor will need to consider whether it may be appropriate to breach patient confidentiality by submitting to NDLS a medical form and covering letter, stating their concerns (or contacting Gardai if outside normal working hours, and the doctor considers that there is an immediate risk/danger to the driver or others).
- It is preferable to seek the patient's consent to inform the NDLS but we appreciate that this may not be forthcoming. As advised above, we strongly recommend seeking specific advice from your indemnifier prior to taking any positive steps to breach patient confidentiality.

If you have any queries related to the issue of medical to fitness to drive, please contact a member of the Medisec team for specific advice.

The contents of this publication are indicative of current developments and contain guidance on general medico legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice".