**Improving Medical Reporting and Eliminating Driver Licence Returns**

**Context**

Currently, sections 203 and 204 of the Highway Traffic Act (HTA) require

physicians and optometrists to report to the Ministry of Transportation (MTO)

patients, 16 years of age or over, who may be suffering from medical or visual

conditions that may make it unsafe for them to drive. This requirement, which has

been in place since 1968, does not specify which medical conditions should be

reported.

In an effort to provide clear direction to the medical community on what types of

conditions must be reported, and to also acknowledge the expanded scope of

practice for nurse practitioners, the ministry is taking steps to amend the

mandatory reporting requirements. Sections 203 and 204 of the HTA have been

amended to permit these changes.

In addition, it is an offence to possess or display a licence that is suspended. In

an effort to improve customer service and simplify compliance, the ministry is

eliminating unnecessary steps in the suspension and reinstatement process.

**Ministry Proposal**

MTO is considering the following amendments to Ontario Regulation 340/94

(Drivers’ Licences):

* Establish a list of prescribed medical conditions, functional impairments

and visual impairments that must be reported to the ministry;

* Require mandatory reporting by specifying which medical practitioners

must report the prescribed conditions to the ministry;

* Allow discretionary reporting by specifying which medical practitioners

may report a person who has a medical condition, visual impairment or

functional impairment that may make it dangerous for the person to drive; and

* Allow drivers suspended for medical reasons to keep their licence card

rather than returning it to the ministry.

Among the conditions and impairments known to be relevant to the task of driving, and under consideration for inclusion in mandatory reporting, are:

* Cognitive impairment where attention, judgement or insight is affected;
* Impairment of consciousness or awareness that may be recurrent if uncorrected or untreated;
* Motor or sensory impairment where such things as coordination, muscle strength or control are affected;
* Visual impairment where prescribed regulatory standards are not met;
* Substance use disorder if untreated, or where non-compliance with
* treatment recommendations exists; and
* Psychiatric illness including acute psychosis or severe abnormalities of perception.

Reporting of these conditions and impairments may not be mandatory if they are

of a distinctly temporary, non-recurrent or controllable nature.

**Rationale**

Strengthening medical reporting requirements in the HTA will enhance road

safety; clarifying which conditions medical practitioners are required to report will

provide greater clarity for the medical community and improve MTO’s ability to

identify potentially unsafe drivers. In addition, by improving the quality of the

information received by MTO at the time of the initial report, the ministry will be

able to take appropriate action in a timelier manner and remove unfit drivers from

Ontario’s roads. The ministry will also improve customer service and simplify

compliance by allowing drivers suspended for medical reasons to keep their

licence card rather than returning it to MTO.

The inclusion of specific medical conditions, visual conditions and functional

impairments in regulation allows practitioners to quickly identify those high risk

conditions that pose a risk to road safety and warrant a report to MTO. It also

helps eliminate unnecessary reports of low risk or temporary conditions that do

not impact driving ability.

The inclusion of a broader range of health care practitioners in the reporting

requirements is consistent with other Canadian jurisdictions. By broadening

medical reporting requirements to include other qualified healthcare practitioners,

the ministry will be able to take appropriate action in a timelier manner and

remove unfit drivers from Ontario’s roads.

MTO invites comments on the proposed regulatory amendment.