

Amendments to the Medical Waiver Program for Commercial Drivers Summary of Proposal

Medical standards for commercial drivers have been in place since 1977. At that time the *Chauffeurs* and *Operators* licence scheme was replaced by the *Classified Licensing System*. In addition to the new classification system mandatory medical standards were also introduced for commercial drivers. These standards are found in Section 17 (1) (a) to (k) in Regulation 340/94, made under the *Highway Traffic Act*.

At the time of conversion in 1977-78 any driver who could not meet the new medical standards were exempt provided certain conditions were met. In addition, the medical waiver provision was established in 1981 and expanded in 1984. This provision allows commercial drivers who do not meet the medical standards found in regulation to demonstrate through detailed medical reports and questionnaires that they meet national medical standards and can drive safely. When national medical standards are met, Ontario “waives” the more onerous medical standards set out in regulation.

Ontario relies on the national medical standards. These same standards are used by every Canadian jurisdiction in assessing fitness to drive (all classes). The national standards, developed by the medical community and by licensing authorities across Canada, provide for consistency in decision making and for licensing reciprocity. They include both *Determining Medical Fitness to Operate a Motor Vehicle*, published by the Canadian Medical Association (CMA) and *Medical Standards for Drivers* established and published by the Canadian Council of Motor Transport Administrators (CCMTA).

Proposal

MTO is proposing to streamline the commercial medical review process by continuing to apply national medical standards and eliminating the existing unnecessary waiver program. Drivers will continue to be assessed against the national medical standards. The assessment process will continue to provide individuals with an opportunity for further assessment by submitting additional medical information as evidence that he/she can drive safely but will eliminate superfluous paperwork (e.g. questionnaires) and, in some cases, annual follow up requirements. In cases where the higher class of licence is denied, the driver will retain the same right of appeal to the Licence Appeal Tribunal that they have today.