

Fact sheet # 6



DEMENTIA AND DRIVING: *Supporting Information*

This sheet provides designed to provide supporting detail related to the Alzheimer's Australia Vic Dementia and Driving Information Sheet.

It has been prepared by Alzheimer's Australia Vic for the information of staff, service provider professionals and others requiring additional information to complement the related Alzheimer's Australia Vic 'Dementia and Driving' sheet designed to inform consumers. The sheet explains the processes and requirements of health professionals in Victoria in relation to driving and the assessment of a person's fitness to drive.

Guidelines and standards to assist health professionals in assessing a person's fitness to drive have been developed by Austroads, the Association of Australian and New Zealand road transport and traffic authorities. A range of health professional and medical organisations and all Australian Driver Licensing Authorities have approved these guidelines and they have been adopted throughout Australia.

The standards are intended to help ensure that the fitness to drive of people with medical conditions is assessed in a consistent manner and should minimise medico-legal exposure in the event that a person is involved in a crash.

In Victoria the Driver Licensing Authority (DLA) is VicRoads.

Legal Issues and Requirements

One of the conditions of holding a Victorian Drivers Licence is that all motorists must notify VicRoads of any permanent, long term injury or illness that may impair their ability to drive safely. Doctors and specialists can advise patients if a current medical condition needs to be reported, but as a guide VicRoads must be notified of neurological disorders such as dementia, strokes, or Transient Ischemic Attack (TIAs).

It is the responsibility, and legal requirement, of the individual to notify the Driver Licensing Authority of any condition that impacts on their ability to drive safely. Health professionals have the responsibility of advising their patients of the impact of their medical condition on their ability to drive, and to assess the person's medical fitness to drive based on the relevant medical standards, in the course of their on-going treatment and management. In Victoria it is not mandatory for health professionals to notify the DLA of a person's condition, or report on their ability to drive, unless requested to do so by the Driver Licensing Authority.

If at any time a health professional believes that

continued driving is a danger to public safety, despite having taken measures, including counselling the person and informing them of the risk to the themselves and others, and advising them of their legal responsibilities and implications if they continue to drive, it is recommended that they make a report to the DLA, and that the person be informed of their intention to do so.

The consequences of a person not notifying VicRoads of a reportable medical condition and continuing to drive can be severe. If they are involved in an accident:

- they may be charged with related driving offences and with failing to notify VicRoads of a reportable medical condition;
- they may be sued under common law;
- their private insurance coverage may be affected.

Assessment of Fitness to Drive

There a number of situations in which a health professional may undertake an assessment of fitness to drive, with various outcomes and processes involved.

In the course of their regular treatment

When a health professional, such as a GP, diagnoses a person with dementia, they are advised to encourage the patient to report their condition to the DLA, and reminded of their legal responsibility to do so. They should also routinely advise the person of the ways in which the condition may impair their ability to drive safely, involving a family member or friend in this process where possible. The doctor can provide the person with a *Medical Condition Notification Form* following an assessment of the person, to assist them when they report their condition to the DLA.

The assessment process involves the health professional determining whether the person meets the criteria for the licence they hold, and whether they meet the criteria unconditionally, conditionally or not at all. Proforma tools are available to assist the health professional in this assessment if required.

If the health professional determines that the patient meets the medical criteria for an unconditional licence, they should advise the person to notify the DLA and may provide a Medical Certificate to support the assessment.



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If the health professional determines that the person meets conditional criteria, or does not meet the criteria, they should complete a *Medical Condition Notification Form* providing details of the condition, and any criteria (according to the Medical Standards) that the patient does not meet, recommendations for type of conditional licence if appropriate, and requirements for on-going monitoring, for the patient to provide to the DLA.

If the health professional is in doubt about the person's ability to drive, they are advised to:

- counsel the patient and advise them not to drive until diagnosis and impact on driving is clear
- seek a specialist second opinion, driver assessment opinion, or consider referral for a driving test.

When the DLA is provided with this assessment, they may require further advice from additional health professionals such as specialists, or a practical driving assessment to be undertaken.

At the request of a Driver Licensing Authority

A driver may be required by the DLA to undertake an assessment of their fitness to drive as a result of the report of concerns about their driving, or as a result of their notification to the DLA of their condition, if an assessment has not already been provided. Under these circumstances the DLA provides the driver with a Medical Certificate which is to be completed by the examining medical practitioner, usually the treating GP, which the person is required to return to the DLA.

As with the previously identified process, the doctor is required to assess whether the person meets licensing criteria unconditionally, conditionally or not at all, and complete the Medical Certificate in accordance with their findings. If the doctor is in doubt about the fitness of the person to drive, they complete the Medical Certificate noting the reasons for doubt in assessing the patient and recommendations for further assessment.

The driver may be asked by the DLA to provide signed consent, so the medical practitioner can be contacted to provide additional information about the driver's condition for the purposes of assessing their fitness to drive.

When the driver returns the Medical Certificate to the DLA,

they may be required to also obtain a specialist opinion, or undertake a practical driving assessment. The DLA will then consider the medical reports in conjunction with other relevant material such as driving history, and will determine if the driver can continue to hold a licence.

Reporting Concerns about Fitness to Drive

A report can be made to the DLA by anyone who holds concerns about the ability of a person to drive safely. In Victoria legislation provides that health professionals, or any person, who makes a report to the DLA, without the person's consent, but in good faith that a person is unfit to drive, are protected from civil and criminal liability. Conversely, health professionals may be liable under civil law in cases where a court forms the opinion that they have not taken reasonable steps to ensure that impaired drivers drive only in circumstances that do not place them, and other members of the community, at increased risk.

A report to the DLA will usually result in a letter being sent to the individual, together with a form to be completed by a medical practitioner (usually their general practitioner); if it is still uncertain whether the individual should drive, an occupational therapy driver assessment may be required.

The final determination of whether an individual is allowed to drive, and what conditions may be attached, is made by VicRoads.

Insurance

When a motor vehicle insurance policy is written, the insurance company will not ask for disclosure of mental or physical illness. However if an insurance claim is made following an accident, the claim may be put at risk if the insurance company considers that at the time of the accident the driver was not legally eligible to drive.

If an older driver is in doubt about whether an existing illness or disability needs to be reported to VicRoads, they should consult their doctor. Their insurance company can also advise of any related clauses in their motor vehicle insurance policy that may put an insurance claim at risk.

For information to assist in making a decision about driving:

Alzheimer's Australia Help Sheet 'Driving'. Call National Dementia Helpline 1800 100 500 or visit our website.

For information about licensing and road rules: VicRoads on 13 11 71

For information about medical reviews: VicRoads on (03) 9854 2407

The Victorian Older Drivers' Handbook: available (free) from VicRoads Bookshop (03) 9854 2782

References:

Assessing Fitness to Drive, Austroads 2003
The Victorian Older Drivers' Handbook, VicRoads 4th Edition
Fitness to Drive, VicRoads
Driving and Your Health, Austroads

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