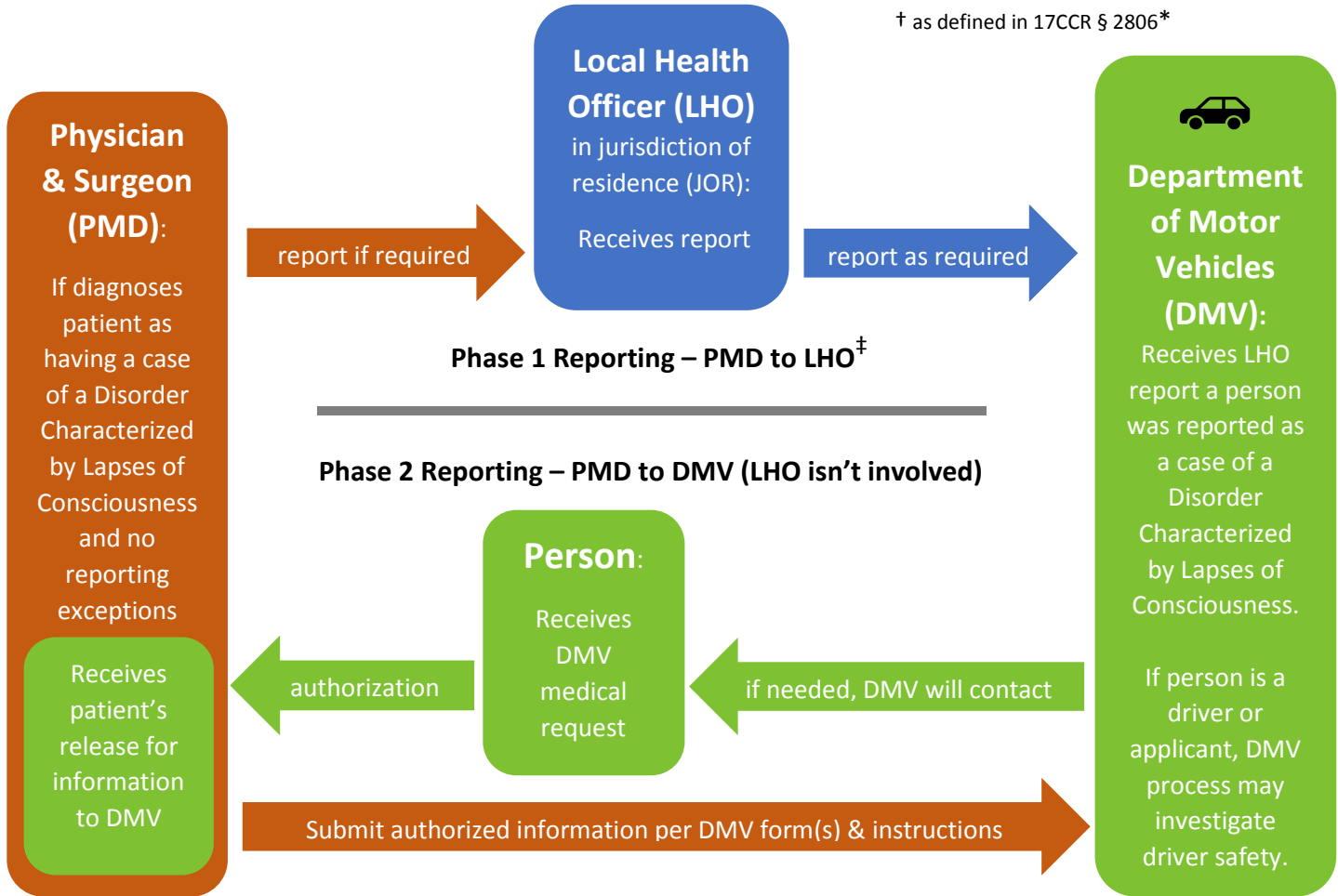


**Physician and Surgeon Reporting of a Patient Diagnosed with a Disorder Characterized by Lapses of Consciousness<sup>†</sup>**

**Overview of Reporting Process Phases 1 & 2**

<sup>†</sup> as defined in 17CCR § 2806\*



**“Phase 1” weblinks – PMD to LHO Reporting:**

<sup>‡</sup>Reporting Form for Los Angeles County: <http://publichealth.lacounty.gov/cdcp/proreporting.htm>

**California Law on Requirements for a Physician and Surgeon to Report a Patient Diagnosed with a Disorder Characterized by Lapses of Consciousness:**

Statute Requiring the Report: [HSC § 103900\\*](#)

Regulations Implementing the Statute:

Reporting Requirements: [17CCR § 2810\\*](#)

Exceptions to Reporting: [17CCR § 2812\\*](#)

Pertinent Definitions: [17CCR §§ 2800, 2802, 2804, 2806\\*, 2808](#)

\*See page 3 for text from these laws.



**“Phase 2” weblinks-- PMD to DMV**

**Reporting:** information and form(s): See page 2.

## Physician and Surgeon Reporting of a Patient Diagnosed with a Disorder Characterized by Lapses of Consciousness

**Phase 2 Reporting** (Local Health Officer isn't involved):

### **Patient-Authorized Physician Report to DMV**



## DMV Links to Driver Safety Medical Process Forms & Resources

[accessed 8/21/18]

- **For the Driver and their Physician -- DMV Form DS 326**

[Driver Medical Evaluation \(PDF\)](https://www.dmv.ca.gov/portal/wcm/connect/f92586ac-be7a-456b-af31-b35acc029982/ds326.pdf?MOD=AJPERES) (DS 326) <https://www.dmv.ca.gov/portal/wcm/connect/f92586ac-be7a-456b-af31-b35acc029982/ds326.pdf?MOD=AJPERES>

- **DMV Information about Form DS 326** [bold emphasis added]

[https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv\\_content\\_en/dmv/forms/ds/ds326](https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv_content_en/dmv/forms/ds/ds326)

“This form is requested when medical information is needed to evaluate a driver's medical condition in relationship to safe driving. Primarily used by Driver Safety, this five-page document assists hearing officers to evaluate the physical and/or mental condition(s) of the driver and to determine what action, if any, to take with regard to the driving privilege.

“The first page of the Driver Medical Evaluation (DME) form requires the **driver to complete** a brief **health history** and to **certify under penalty of perjury** that the information is true and complete. The remainder of the form requires the **driver's physician to provide information on the driver's diagnosis, treatment, and level of functional impairment, if any**. Specific sections address **lapses of consciousness**, diabetes, dementia and cognitive impairments, as they pose a higher degree of potential traffic safety risk.

“Complete and **sign the first page** of the form and **provide it to your physician** to complete the remainder of the form. Also, **be sure to sign the medical information authorization**. **The DME must be signed by you and your physician, prior to being evaluated by Driver Safety.**

“Alternatively, medical providers with access to the Internet can print the DME, complete and sign it, and forward it to the driver. If your physician chooses to use this process, be sure that you complete the form prior to returning it to the Driver Safety office.”

### DMV Resources for Other Possible Reporters and the Driver

- **Driver Safety Information Medical Conditions and Traffic Safety**

[https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv\\_content\\_en/dmv/dl/driversafety/dsmedcontraffic](https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv_content_en/dmv/dl/driversafety/dsmedcontraffic)

- **Form DS 699 – For Use by “Relative, Friend, Caregiver, Vision Specialist, Court, Other”**

[Request for Driver Reexamination \(PDF\)](#) (DS 699)

**About Form DS 699, Reporting a Potentially Unsafe Driver, and Reporter Identity Confidentiality**

[https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv\\_content\\_en/dmv/pubs/brochures/fast\\_facts/ffd110](https://www.dmv.ca.gov/portal/dmv/?1dmy&urile=wcm:path:/dmv_content_en/dmv/pubs/brochures/fast_facts/ffd110)

**California Law on Physician and Surgeon Reporting of a Patient Diagnosed with a Disorder Characterized by Lapses of Consciousness** [accessed 8/21/2018; underlines added]

**Health & Safety Code - [HSC 103900](#). Disorders Characterized by Lapses of Consciousness**

- (a) Every physician and surgeon shall report immediately to the local health officer in writing, the name, date of birth, and address of every patient at least 14 years of age or older whom the physician and surgeon has diagnosed as having a case of a disorder characterized by lapses of consciousness. However, if a physician and surgeon reasonably and in good faith believes that the reporting of a patient will serve the public interest, he or she may report a patient's condition even if it may not be required under the department's definition of disorders characterized by lapses of consciousness pursuant to subdivision (d).
- (b) The local health officer shall report in writing to the Department of Motor Vehicles the name, age, and address, of every person reported to it as a case of a disorder characterized by lapses of consciousness.
- (c) These reports shall be for the information of the Department of Motor Vehicles in enforcing the Vehicle Code, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this state.
- (d) ...[State DHS and DMV to define/list disorders] (e) ...[ DMV and medical organizations to develop compliance guidelines]
- (f) A physician and surgeon who reports a patient diagnosed as a case of a disorder characterized by lapses of consciousness pursuant to this section shall not be civilly or criminally liable to any patient for making any report required or authorized by this section.

**California Code of Regulations, Title 17. Public Health**

**[17 CCR § 2806](#). Disorders Characterized by Lapses of Consciousness.** [definition]

- (a) "Disorders characterized by lapses of consciousness" means those medical conditions that involve:
- (1) a loss of consciousness or a marked reduction of alertness or responsiveness to external stimuli; and
  - (2) the inability to perform one or more activities of daily living; and
  - (3) the impairment of the sensory motor functions used to operate a motor vehicle.
- (b) Examples of medical conditions that do not always, but may progress to the level of functional severity described in subsection (a) of this section include Alzheimer's disease and related disorders, seizure disorders, brain tumors, narcolepsy, sleep apnea, and abnormal metabolic states, including hypo- and hyperglycemia associated with diabetes.

**[17 CCR § 2810](#). Reporting Requirements.**

- (a) Except as provided in Section 2812, a physician and surgeon shall notify the local health officer within seven (7) calendar days of every patient 14 years of age or older, when a physician and surgeon has diagnosed a disorder characterized by lapses of consciousness (as defined in Section 2806) in a patient.
- (b) The report prepared pursuant to subsection (a) of this section shall include:
- (1) The name, address, date of birth, and diagnosis of the patient; and
  - (2) The name, address, and phone number of the physician and surgeon making the report.

**[17 CCR § 2812](#). Exceptions to Reporting.**

A physician and surgeon shall not be required to notify the local health officer of a patient with a disorder characterized by lapses of consciousness if:

- (a) The patient's sensory motor functions are impaired to the extent that the patient is unable to ever operate a motor vehicle, or
- (b) The patient states that he or she does not drive and states that he or she never intends to drive, and the physician and surgeon believes these statements made by the patient are true, or
- (c) The physician and surgeon previously reported the diagnosis and, since that report, the physician and surgeon believes the patient has not operated a motor vehicle, or
- (d) There is documentation in the patient's medical record that another physician and surgeon reported the diagnosis and, since that report, the physician and surgeon believes the patient has not operated a motor vehicle.