Driving rules in Texas (updated) "Can I drive doc?" Sara Austin, MD Austin, Texas

Driving is important

- ► It affects the ability to maintain a job, education, and even physician visits
- ► Maintaining the ability to drive has been identified as the number one concern in patients with epilepsy (PWE).
- ► The state considers driving a privilege and not a 'right'.

Who regulates this for the state?

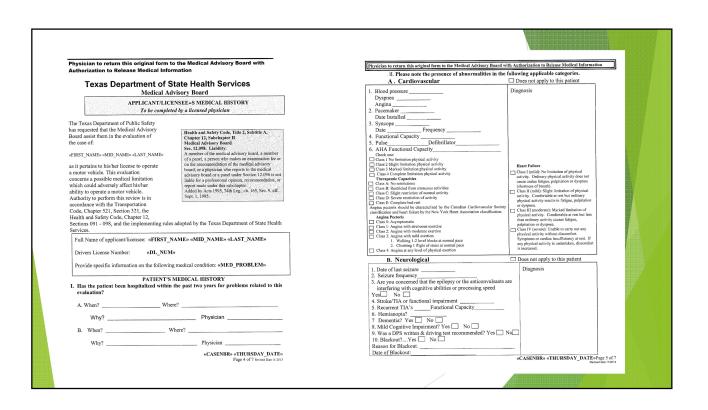
- ▶ DPS is responsible for issuing all driving licenses (and has the final say)
- ► The Medical Advisory Board
 - under the directorship of the Department of State Health Services EMS Certification and Licensing advises DPS regarding medical conditions and driving

How the Medical Advisory Board works

- ▶ No individual may appear before the MAB
- ▶ The board only reviews the medical facts and reaches an opinion
- ▶ The board meets every 2 weeks and reviews about 150-200 cases
- ► The board is made up of 14 physicians who alternate their time. It is voluntary (but a small stipend is paid)
- After an opinion is reached, a written recommendation is forwarded to the Driver License Division of DPS, and the decision is forwarded to the individual by mail (this takes about 2 weeks).
- They are usually looking for members, especially neurologists!

DPS

- ▶ DPS is the licensing agency for driving for Texas
- ▶ DPS is solely responsible for all actions taken or initiated with licensing.
- "Neither the MAB nor the attending physician are legally liable for the decisions or actions taken by DPS in the licensing or un-licensing of drivers."
- ▶ If a license is denied or revoked for medical reasons, the decision may be appealed to the courts for final determination.



	with Authorization to Release Medical Information	Physician to return this original form to the Medical Advisory B	loard with Authorization to
C. Metabolic	☐ Does not apply to this patient	Release Medical Information	
 Controlled by medication Oral Insulin 	Diagnosis	G Vision	ses not apply to this patient
Type/dosage Date begun			Comments
2. Coma Shock		Without correction RE 20/LE 20/	
Date of last coma/shock		With present correction RE 20/ LE 20/ With best correction RE 20/ LE 20/	
Frequency		With best correction RE 20/ LE 20/ 2. If visual acuity is less than 20/30, state cause of visual loss	
Hypoglycemic incident Yes No Date:		· ·	
D. Medication - that would impact driving	□ Does not apply to this patient	3. Diplopia	
Medication: Type/dosage/Date Begun:	Diagnosis	Visual field loss 4. Other eve abnormalities	
		5. Medication: Type/dosage	
		Date begun	
		H. Substance Abuse?	☐ Does not apply to this patient
		Number of times treated	Comments
		2. When treated	
		Where treated 3. Drugs abused	
		Drugs abused Length of dependency	
E. Mental	☐ Does not apply to this patient	Last known episode of abuse	
		Member of Alcoholics/Narcotics Anonymous?	
Psychiatric Treatment A. Hospitalized	Diagnosis	7. Methadone/antabuse?	
B. When		Dispensing clinic 8. Present medication: Type/dosage	
C. Where		9. Prognosis:	
D. Judgment			
E. 1. ☐ Homicidal 2. ☐ Assaultive 3. ☐ Suicidal 4. ☐ Accident prone			
 Impulsive 6. ☐ Mental Retardation : IQ 		A. How long treated Last treated	B. Date of this eyem
 F. Describe medication side effects subject is experiencial 	g:	•	
		IV. Any recommendations or specific comments regard limiting conditions not previously noted:	ding driving capability or Any residuals, or other
F. Musculoskeletal	☐ Does not apply to this patient	initially conditions not previously notes.	
1. Stiff or flail joints	Diagnosis		
Where			
Where			
3. Amputation		V. Signature of Physician	A ASSESSMENT OF THE PROPERTY O
Where		Name of Physician (print)	
Are they trained using modification? Yes No No No No No No No No No N		AddressTelepho	ne .
Appliances or supports:			
Where	«CASENBR» «THURSDAY DATE» Page 6 of 7	CityStateZi	P
	Resident WILLIAM LONG TO Resident 1203	State License NumberSpecialty	
		«CASE	NBR» «THURSDAY_DATE» Page 7 of 7 Robot Date 17 2003



- ▶ Fill out the medical form to the best of your ability.
- ▶ If you don't know the answer, say that
- ▶ If you have a recommendation about driving you may say it in the comments section comments are welcome but not required
- ➤ You are not responsible to know what the driving restrictions are the MAB will let the driver know that. Your job is to provide the medical facts

Reporting

- ► Texas does not have mandatory reporting but you do have an ethical and legal obligation to discuss driving with your patients,
- You may report a patient who you suspect is not following the rules
 - ► The person will be notified by the MAB and will go thru the process
 - ► This can be anonymous (sort of).

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TEXAS P. Department August State Health Services (5	SOARD FOR DRIVER LICENSING ont of State Health Services O Box 149347 stm, IX 78714-9347 512) 834-6700 (512) 834-6714
	REFERRAL FORM
Health & Safety Code, Title 2- Health Chapter 12, Powers & Duties of the Texas: Department of \$21,006. Physician Report (a) A physician licenseed to practice medicine in this stats State of Texas: or the medical advicesy board, orally or in in a rule of the Department of Public Safety of the State of (b) The release of information under this section is an exc imposed under Section 159,002, Occupations: Code \$1,008. Liability A member of the medical advisory board, a member of a the recommendation of the medical advisory board or ap a panial under Section 12,006 is not liable for a profession methodapte. Pathent's Last Name. Furt Name, M.I.	e may inform the Department of Public Safety of the writing of the name, date of buth, and address of a mingrossed as hursy at doubles of safety specified frequency of the safety of the safety of the safety experience of the patient-physician privilege requirements: panel, a person who makes an examination for or on dynamican who reports to the medical advisory board or all opinion, recommendation, or report made under this
Patient's Address:	
Patient's City, State & Zip:	
Patient's Date of Birth:	
Patient's Driver License #. if known:	
Explain specific medical limitations to driving for this pati	ient:
Signature of Physician Texas Physician License Number	Printed Name of Physician Address of Physician
(City, State, Zip
www.dshs.state.bc.us/emstraumasystems/mabhome.shtm FOR YOUR CONVENIENCE, THES FORM MAY BE COPED	revised 407
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Guide for determining driver limitation

- ▶ The last update was done in 1991
- ► TIA 6 months driving restriction
- ▶ Sleep apnea no driving for 6 months after control was obtained
- Dementia not mentioned
- Syncope (any cause, anywhere)- no driving for 1 year
- ► Hypoglycemia no driving for 1 year
- ➤ Seizures 6 month restriction, didn't apply to nocturna sz(?)
- ▶ Vertigo Meniere's no driving again.....ever

Texas Medical Advisory Board

TEXAS DEPARTMENT OF HEALTH
BUREAU OF EMERGENCY MANAGEMENT

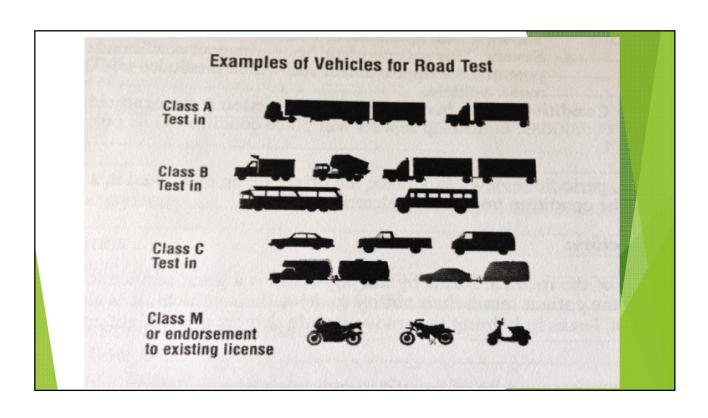
Guide for determining driver limitation

Goal of update

- ▶ Better reflect advances in medical care in the past 23 years
- Better align driving rules with common sense advice given by doctors to patients
- ► Address specific problems that were not addressed previously. (dementia, implantable defibrillators)
- ▶ Should be based on science, practical, practicable, and in general alignment with most other states when possible.
- ► Recognize that Texas is a diverse state, and that primary care doctors do the majority of these reports

License types

- Class A Commercial drivers (bigger trucks, career driving,
 >16 passenger buses)
- ▶ Class B dump trucks, school buses, >23 passengers
- ► Class C cars, small trucks, <24 passengers (taxi's, police cars, ambulance also)</p>
- Class C can have P, C, D, and E restrictions



License restrictions (for Class C)

- ► 'P' restriction Class C license but restricted from driving taxies, buses or emergency vehicles (police or fire, EMS)
- ► 'C' daytime only
- ▶ 'D' not to exceed 45 mph
- ► 'E' no expressway driving
- ightharpoonup C, D, and E restrictions are often used together
- ▶ 'Emergency C' Class C without restriction

Seizures (updated rules)

- ➤ Seizure free period on or off medications for 3 months for a Class C license with 'P' restriction (regular automobile driving) -as long as certain requirements are met:
- ► All seizure types are included (except pure simple sensory seizures at the discretion of the physician)
- ► Class A, B, and unrestricted C license -no license until 5 years off medication and seizure free

Seizures - requirements that must be met

- ► Currently under a physicians care
- ▶ No evidence for clinical seizures for 3 months
- Specific recommendation from applicant's physician regarding
 - ▶ reliability taking medications
 - ▶avoiding sleep deprivation
 - ►avoiding alcohol use

Seizures - requirements

- ➤ You can recommend a longer period of driving restriction (for example, multiple seizures in the past year, recent psychiatric condition, poor driving history)
- Medication tapers
 - ▶ If person at low risk no driving restriction
 - ▶ If person at high risk 3-6 month restriction
 - ▶ If the person non-compliant no driving
 - ▶ If low risk but has a seizure when meds lowered, no restriction after dose increased to previous range

Seizure related MV crashes in AZ

- ► AZ changed driving restriction from 12 months to 3 months for PWE in 1993.
- ▶ Overall MVA's related to seizures make up 0.042% of all crashes (EtOH contributes to 8% of all crashes, 40% fatal)
- Most sz related crashes are single vehicle and most are 'injury'
- ► The rate of seizure related crashes did not significantly increase in AZ after the interval was decreased from 12 to 3 months

Dementia

- ▶ <u>Dementia</u> is manifested by the onset of impairment in memory, requires the presence of impairment in at least 1 additional cognitive domain, and those deficit(s) cause significant impairment in social and/or occupational functioning
- <u>Mild cognitive impairment</u> cognitive impairment in one domain that is greater than that expected with normal aging, but not sufficient to diagnose dementia

Dementia and driving this is new

- ► The diagnosis of dementia precludes driving <u>unless</u> the person is <u>judged to be safe</u> by
 - ▶ A neuropsychological evaluation of cognitive abilities involved in driving
 - ▶ A driver evaluation by a center or persons trained to evaluate driving ability in the setting of cognitive impairment
 - Medical assessment by a physician with expertise in evaluating attention, memory, language, visuospatial function in a standardized way
 - ▶ If none of the above options are available, then the individual must make a passing score on the DPS written and driving evaluation

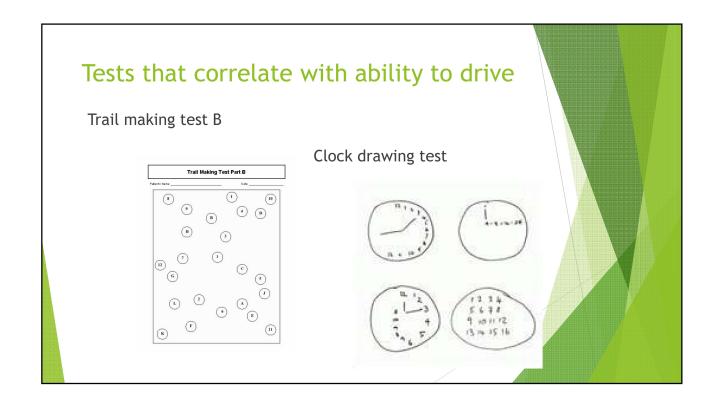
Dementia: Clinical Dementia Rating (CDR) score

- Recommendation by the AAN Practice Parameter published in 2000
- Persons with a Clinical Dementia Rating (CDR) score of 1.0 or greater are precluded from driving (unless they qualify based on the criteria previously stated)
- Score is based on the MEMORY score only, unless 3 of the secondary categories score above or below the Memory score, in which case the CDR=the majority of the secondary categories

Impairment level	None (0)	Questionable (0.5)	Mild (1)	Moderate (2)	Severe (3)
Memory	No memory loss or slight inconsistent forgetfulness	Consistent forget- fulness, partial re- collection of events.	Moderate memory loss; more marked for recent events; defect interferes with daily activities.	Severe memory loss; only highly learned material retained.	Severe memory loss; only fragments remain.
Orientation	Fully oriented.	Fully oriented ex- cept with slight dif- ficulties with time relationships.	Moderate difficulty with time relation- ships, oriented in familiar areas.	Severe difficulty with time relati- onships, almost al- ways disoriented to place.	Oriented to person only.
Judgement & Problem Solving	problems, such as	Slight difficulty in solving problems, similarities and differences.	Moderate difficulty on handling prob- lems, similarities and differences, social judgement maintained.	Severely impaired in handling prob- lems, similarities and differences; social judgment impaired.	Unable to make judgements or solve problems.
Community Affairs	Independent func- tion in job, shopp- ing, social groups.	Slight impairment in these activities.	Is not independent in these activities, appears normal to casual inspection.	Is not independent outside home, appe- ars well enough to be taken to events outside the home.	Is not independent outside the home, appears to be too ill to be taken to events outside the home.
Home and Hobbies	Daily life at home, hobbies and intel- lectual interests well maintained.	Daily life at home, hobbies and intel- lectual interests sli- ghtly impaired.	Slight impairment of tasks at home, more difficult cho- res, hobbies and interests are aban- doned.	Only simple chores are maintained, restricted interests, poorly maintained.	No significant function at home.
Personal Care	Fully capable of self-care.	Fully capable of self-care.	Needs assistance.	Requires assistan- ce in dressing and hygiene.	Requires much help with personal care; frequent incontinence.

CDR

- ➤ The relative risk of crashes for drivers with a CDR score of greater than or equal to 1.0 is greater than our society tolerates for any group of drivers.
- ► Even an CDR of .5 carries a greater risk of crashes we recommend but do not require that persons with MCI have a driving test.



Dementia

- ▶ Persons who are qualified to drive with dementia (consider also for persons with MCI) must be re-qualified to drive every year, or sooner if there is an accident, driving violation, or a family member raises concerns.
- ➤ You versus family versus DPS? Who should break the bad news that they can no longer drive? (DPS has just a hard of a time with it as you do....). Family members really don't want to either.

Dementia (and age) data

- ▶ 85 year old driver is 1.77x more likely to get in a severe crash compared to age 35-54. If they are front seat passengers, they are 5x more likely to get injured
- ► Fatality rate for senior drivers increased 3% in 2012 (while the overall rate decreased)
- ▶ Age 40-45: 3.7 MVA/million miles
- ► Age 80-85: 15.1 MVA/million miles
- ► Age >85: 38.8 MVA/million miles
- ▶ Roughly 50% of AD patients drive for >3 years after diagnosis
- ▶ 41-63% of AD patients fail road testing

AMA recommendations for assessment of older drivers

- ► The American Medical Association (AMA)recommends that physicians adopt the Assessment of Driving-Related Skills (ADReS) battery to risk stratify
- visual fields by confrontation,
- Visual acuity by the Snellen eye chart,
- adopting the Clock Drawing Task,
- ► Trails B (a test of visuospatial and psychomotor speed),
- muscle strength, and neck and extremity range of motion.
- ▶ (Counseling regarding driving is a Dementia Management Quality measure)

Excessive Drowsiness

- ▶ Multiple causes: sleep apnea (OSA), narcolepsy, chronic pain, drug use (legal and illegal), shift work sleep disorder, psychiatric disorders.......
- ▶ It is the personal responsibility of all drivers to avoid driving if they are unable to maintain alertness when driving.
- ▶ Inadequate sleep causes up to 20% of all accidents most likely related to life style issues

Obstructive Sleep Apnea - Evidence pertaining to driving

- ▶ Evidence shows that OSA increases crash risk at least 2-3x controls
- ► Cofounding effects of obesity, OSA, alcohol ingestion
- ► The AHI is used as a marker of severity, but there is not 1:1 correlation between severity of OSA and crash risk
- ▶ Treatment with CPAP has been shown to decrease crash risk
- ► Truckers may be at higher risk for OSA in general
- We decided to follow the NHTSA (National Highway Traffic Safety Administration) recommendations about OSA

Obstructive Sleep Apnea (new rules)

- ▶ Severe (apnea-hypopnea index AHI>20) precludes driving until treated and person shows compliance (for all classes)
- Mild may drive (all classes) if AHI <10 and ESS <10
- Moderate (AHI 10-20) (class C with P) may drive if OSA is being treated and ESS <10. No recertification</p>
- ► Class A or B license or 'emergency C' with severe OSA- must be treated and pass a Maintenance of Wakefulness Test (MWT) to prove that treatment is effective.
 - Must be recertified annually
 - compliant with treatment,
 - ▶ low ESS score

EPWORTH SLEEPINESS SCALE FORM

Instructions: Be as truthful as possible. Print the form. Read the situation in the first column; select your response from the second column; enter that number in the third column. Total all of the entries in the third column and enter the total in the last box.

Situation	Responses	Score
	0 = would never doze	
Sitting and Reading	1 = slight chance of dozing	
	2 = moderate chance of dozing	
	3 = high chance of dozing	1
	0 = would never doze	
Watching Television	1 = slight chance of dozing	
	2 = moderate chance of dozing	
	3 = high chance of dozing	
Sitting inactive in a public place, for	0 = would never doze	
	1 = slight chance of dozing	
example, a theater or a meeting	2 = moderate chance of dozing	
	3 = high chance of dozing	1
As a passenger in a car for an hour	0 = would never doze	
-	1 = slight chance of dozing	1
without a break	2 = moderate chance of dozing	1
	3 = high chance of dozing	1
	0 = would never doze	
Lying down to rest in the afternoon	1 = slight chance of dozing	1
	2 = moderate chance of dozing	
	3 = high chance of dozing	
	0 = would never doze	
Sitting and talking to someone	1 = slight chance of dozing	
	2 = moderate chance of dozing	
	3 = high chance of dozing	
	0 = would never doze	
Sitting quietly after lunch when you've	1 = slight chance of dozing	
had no alcohol	2 = moderate chance of dozing	
	3 = high chance of dozing	
	0 = would never doze	
In a car while stopped in traffic	1 = slight chance of dozing	
• •	2 = moderate chance of dozing	
	3 = high chance of dozing	
TOTAL SCORE		

A score of 10 or greater indicates a possible sleep disorder. Take the completed form to your doctor.

Excessive Drowsiness - rules (con't)

- ▶ Drivers with OSA or Excessive Daytime Sleepiness should be recertified for driving if:
 - ▶ They have a crash associated with falling asleep
 - ▶ They are non- compliant with treatment
 - ► After they have had surgery for OSA if they want the restriction removed

Narcolepsy

- ▶ 60-80% of narcoleptics report having fallen asleep at the wheel at some point
- Cataplexy is also a problem
- ▶ 3 month driving restriction is required to assure that treatment is successful.
- ➤ There must be an affirmative recommendation from the treating physician (preferably a board certified sleep physician) in order to resume driving

Driving test is recommended

- Moderate to severe Parkinson's disease (and repeat every year)
- Severe untreated torticollis
- Choreoathetosis
- ▶ Post stroke if there is moderate to severe motor, sensory, visual or language impairment
- ▶ Post head injury if moderate to severe deficits

Driving test is required if recommended by MD

- ► Multiple Sclerosis
- ► Peripheral Neuropathy
- ► Mild Cognitive Impairment
- ▶ Malignancies

Vertigo and dizziness

- ▶ No driving if having intermittent or constant uncontrolled vertigo
- ▶ No driving if taking sedative medications for the treatment of vertigo
- Driving restriction for commercial vehicles if taking benzo's or phenothiazines for the treatment of vertigo

Transient Ischemic Attacks

- ▶ No driving restriction if:
 - ► The TIA was known to be caused by circumstances not likely to recur
 - ▶ The person is compliant with appropriate anticoagulant medication
- ▶ 1 month driving restriction if:
 - ▶ Appropriate anticoagulation cannot be used
 - ► The underlying cause of the TIA cannot be corrected and the TIA is likely to recur

Blackouts

- ► Vague term that most often means drug or alcohol induced amnesia
- ► These are self reported fairly often to police and to the MAB
- ▶ 6 month driving restriction for someone reported to have had a blackout

Syncope

- ▶ Episode of unexplained syncope no driving for 6 months
- ▶ 6 month driving restriction for vasovagal syncope that
 - occurs while driving, or is
 - uncontrollable or very frequent -
 - ▶ (In general, vasovagal syncope does not restrict driving)
- ► Recurrent uncontrolled syncope (2 or more episodes in 6 months, uncontrollable) no driving for 1 year
- Syncope that is explained and treated per physician's recommendation (typically restrict driving until treatment is effective)

Miscellaneous Cardiac

- ▶ Stents no restriction
- ► Malignant hypertension when cleared by physician
- ► A- fib when rate is under control and on anti coagulants

Cardiac Dysrhythmias

- ▶ PAC's and PVC's no restriction
- WPW if symptomatic no driving
- > VT with syncope or sudden cardiac death -
 - ▶ No commercial driving again
 - ▶ 6 month restriction for Class C with P restriction if treated
 - ▶ With medications and cleared by cardiac electrophysiologist
 - ▶ With AICD if cleared by electrophysiologist
- VT, exercise induced, without syncope, non-sustained with normal ventricular function
 - ▶ OK for Class C
 - ▶ Class A and B license restricted for 1 month

Automatic Implantable Cardio-Defibrillator (AICD)

- ▶ Precludes a Class A, B and 'Emergency' C license forever
- ▶ Class C with P restriction OK after 6 months, if event free
- ▶ If the AICD is placed prophylactically only (no events have occurred)- then a Class C license with a P restriction is OK when the person is cleared by their electrophysiologist

Psychiatric diseases

- ▶ Don't fill out the form for psychiatric disease until you have sufficient knowledge to make a valid judgment
- ▶ No driving if actively psychotic
- ▶ No driving if abnormally aggressive or hostile until treated and condition is in remission
- ► Psychotropic drugs specific recommendations from treating MD are helpful
- ▶ No driving for someone actively homicidal or suicidal

Alcohol and Drug Abuse

- ▶ 1 year driving restriction for persons with known alcohol or drug abuse for Class C license (typically this means they've gotten a DWI)
- ▶ 2 year restriction for Class A, B and emergency C license
- ► If the applicant has volunteered for a detox program, and no DWI, then license is OK but periodic reviews are required
- Don't sign off on the EtOH questions unless you really know
- OK to drive on prescribed narcotics in general but physician always has the duty to restrict driving when appropriate

Metabolic disease

- ▶ Dialysis patients can drive (C with P restriction)
- ► Insulin dependent DM in general precluded from A or B license unless they get a waiver from their TxDOT physician
- ▶ If episode of hypo- or hyperglycemia severe enough to cause
 - ► Neurological dysfunction LOC, confusion
 - Any type or degree of vehicle accident
 - Active assistance in treatment
 - ▶ Then a 6 month driving restriction
 - Exception for extenuating circumstances such as medication change and severe illness

Vision

- ► At least 20/40 in one eye (up to 20/70 in one eye but driving restrictions apply)
- ▶ OK with diplopia as long as corrected with an eye patch (but I would restrict driving to <45 mph if it is a new problem)
- ▶ Visual field must be >140 degrees