

# Cancellation, Suspension or Revocation of Licenses - Reports by Health Care Providers

This Act enables doctors to report to the state department of motor vehicles patients who have physical or mental conditions which impair the patients' driving skills.

Submitted as:

West Virginia

[Enrolled Committee Substitute for HB4515](#)

Status: Enacted into law in 2008.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “An Act to Enable Health Care  
2 Providers to Report Driving Impaired Patients.”  
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4           Section 2. [*Cancellation, Suspension or Revocation of Licenses: Reports by Health Care*  
5 *Providers.*]

6           (a) Health care providers licensed and authorized pursuant to [insert citation] to diagnose  
7 or treat diseases, disorders, disabilities or conditions, may notify the [department of motor  
8 vehicles] in writing of the full name, date of birth and address of every person [fifteen years] of  
9 age or older who suffers from a physical or mental disease, disorder, disability, condition or  
10 symptoms that prevents the person from safely operating a motor vehicle, and which is:

11               (1) Uncontrollable (either through medication, therapy, or surgery; or by driving  
12 device or technique);

13               (2) Controllable, but the patient does not comply with the recommendations of the  
14 health care provider for treatment or restricted driving; or

15               (3) Undiagnosed but the extent of driver impairment is potentially significant  
16 based on the patient's symptoms.

17           (b) Reports, recommendations or opinions, findings or advice received or made by the  
18 [department of motor vehicles] for the purpose of determining whether a person is qualified to be  
19 licensed to drive are for the confidential use of the [department of motor vehicles] and exempt  
20 from provisions of [insert citation] and may only be admitted in proceedings to either suspend,  
21 revoke or impose limitations on the use of a driver's license pursuant to [insert citation] or to  
22 reinstate the driver's license.

23           (c) Reports, recommendations, opinions, findings or advice received or made by the  
24 [department of motor vehicles] for the purpose of determining whether a person is qualified to be  
25 licensed to drive may not be used in any proceedings to establish or prove competencies other  
26 than qualifications to operate a vehicle.

27           (d) A health care provider who makes a notification pursuant to subsection (a) shall be  
28 immune from any civil, administrative or criminal liability that otherwise might be incurred or  
29 imposed because of such notification if the health care provider has:

30               (1) Documented in the patient's record the disease, disorder, disability, condition  
31 or symptoms which may impair the patient's ability to drive a motor vehicle to a degree that  
32 precludes the safe operation of a motor vehicle;

33               (2) Informed the patient that their disease, disorder, disability, condition or

34 symptoms may impair the patient's ability to drive a motor vehicle to a degree that precludes the  
35 safe operation of a motor vehicle;

36 (3) Advised the patient that he or she should not operate a motor vehicle; and

37 (4) Disclosed to the patient that the health care provider may notify the  
38 [department of motor vehicles] of the patient's condition and of the patient's inability to safely  
39 operate a motor vehicle.

40 (e) Compliance with or failure to comply with the requirements of this section does not  
41 constitute negligence, nor may compliance or noncompliance with the requirements of this  
42 section be admissible as evidence of negligence in any civil or criminal action.

43

44 Section 3. [*Severability.*] [Insert severability clause.]

45

46 Section 4. [*Repealer.*] [Insert repealer clause.]

47

48 Section 5. [*Effective Date.*] [Insert effective date.]