

DEPARTMENT OF TRANSPORTATION, DRIVER AND MOTOR VEHICLE SERVICES
OREGON ADMINISTRATIVE RULES, CHAPTER 735, DIVISION 74

AT-RISK DRIVER PROGRAM
MANDATORY REPORT FOR MEDICAL PROFESSIONALS

Definitions 735-074-0080

"**Severe**" means that the impairment substantially limits a person's ability to perform activities of daily living, including driving, because it is not controlled or compensated for by medication, therapy, surgery or adaptive devices. Severe does not include a temporary impairment for which the person is being treated by a physician or health care provider and which is not expected to last more than six months.

"**Uncontrollable**" means the impairment cannot be controlled or compensated for by medication, therapy, surgery, or adaptive devices.

Severe and Uncontrollable Impairments that must be Reported to DMV 735-074-0110

As required by OAR 735-074-0090, a physician or health care provider must submit a report, as described in OAR 735-074-0120, to DMV when providing health care services to a person, over 14 years of age, and who has one or more of the following cognitive or functional impairments which is severe and uncontrollable:

- (1) Functional impairments include **sensory impairments** affecting peripheral sensation of extremities, including but not limited to: tingling and numbness and loss of position sense in extremities affecting the ability to feel, grasp, manipulate or release objects or use foot controls effectively.
- (2) Functional impairments include **motor impairments** affecting the following areas:
 - (a) **Strength**, including but not limited to:
 - (A) The inability to consistently maintain a firm grip on objects;
 - (B) The inability to apply consistent pressure to objects with legs and feet;
 - (C) Weakness or paralysis of muscles affecting the ability to maintain sitting balance; or
 - (D) Weakness or paralysis in extremities affecting the ability to feel, grasp, manipulate or release objects or use foot controls effectively.
 - (b) **Flexibility**, including but not limited to: rigidity and/or limited range of mobility in neck, torso, arms, legs or joints.
 - (c) **Motor planning and coordination**, including but not limited to:
 - (A) Difficulty and slowness in initiating movement;
 - (B) Vertigo, dizziness, loss of balance or other motor planning conditions;
 - (C) Involuntary muscle movements; or
 - (D) Loss of muscle control.
- (3) **Cognitive impairments** affecting the following areas:
 - (a) **Attention**, including but not limited to:
 - (A) Decreased awareness;
 - (B) Reduction in the ability to efficiently switch attention between multiple objects; or
 - (C) Reduced processing speed.
 - (b) **Judgment and problem solving**, including but not limited to:
 - (A) Reduced processing speed;
 - (B) An inability to understand a cause and effect relationship; or
 - (C) A deficit in decision making ability.

- (c) **Reaction time**, including but not limited to a delayed reaction time.
- (d) **Planning and sequencing**, including but not limited to:
 - (A) A deficit in the ability to anticipate and/or react to changes in the environment; or
 - (B) Problems with sequencing activities.
- (e) **Impulsivity**, including but not limited to:
 - (A) Lack of emotional control; or
 - (B) Lack of decision making skills.
- (f) **Visuospatial**, including but not limited to problems determining spatial relationships.
- (g) **Memory**, including but not limited to:
 - (A) Problems with confusion and/or memory loss; or
 - (B) A decreased working memory capacity.
- (h) **Loss of consciousness or control**.

Standards for Identifying How Impairments Affect Driving 735-074-0130

DMV determines that severe functional or cognitive impairments that are not correctable or controllable by medication, therapy, surgery or adaptive devices adversely affect a person's ability to safely operate a motor vehicle in the following manner:

(1) **Sensory impairments:** Peripheral sensation of extremities causing tingling or numbness in extremities results in:

- (a) The inability to firmly grasp, manipulate, operate and release primary and secondary driving controls resulting in momentary loss of control of the vehicle, in improper or delayed signal to other drivers that the vehicle is turning, changing lanes or stopping, or difficulty stopping the vehicle;
- (b) Difficulty gripping the steering wheel resulting in loss of ability to control the vehicle's lane position and turning motion;
- (c) Difficulty using foot controls effectively resulting in improper or delayed signal to other drivers that the vehicle is slowing or stopping, or difficulty stopping the vehicle.

(2) **Motor impairments:**

(a) **Strength:**

- (A) The inability to consistently maintain a firm grip on objects results in:
 - (i) Difficulty firmly gripping and turning a steering wheel resulting in loss of ability to safely control the vehicle's lane position and turning motion; and
 - (ii) A diminished capacity to operate primary and secondary driving controls resulting in reduced control over the vehicle and in improper or delayed signal to other drivers that the vehicle is turning, changing lanes or stopping, or inability to adjust highbeam headlights when necessary.
- (B) The inability to apply consistent pressure to objects with legs or feet results in the inability to apply consistent pressure to the brake and gas pedals, resulting in difficulty or inability to maintain consistent speed or stop the vehicle.
- (C) Weakness or paralysis of muscles affecting the ability to maintain sitting balance results in the danger of falling to one side during turns or other sudden motions resulting in the loss of vehicular control.
- (D) Weakness or paralysis in extremities affecting the ability to feel, reach, grasp, manipulate or release objects or use foot controls effectively results in the inability to reach, grasp and operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position, turning and a consistent speed.

- (b) **Flexibility:** Rigidity and/or limited range of mobility in neck, torso, arms, legs or joints results in:
 - (A) The inability to reach, grasp and operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate

signals for turning, changing lanes or stopping; or difficulty maintaining lane position, turning and a consistent speed; and

(B) Difficulty turning the head to check the blind spot prior to a lane change, and to observe vehicles or pedestrians entering the roadway or when merging with traffic.

(c) Motor planning and coordination:

(A) Difficulty and slowness in initiating movement results in:

(i) The inability to simultaneously operate primary and secondary controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers;

(ii) Delay in responding to the position of other vehicles that are changing lanes, are in the oncoming lane of traffic or are entering the roadway; and

(iii) Delay in responding to changing traffic control devices or changing traffic conditions.

(B) Vertigo, dizziness, loss of balance or other motor planning conditions results in:

(i) Difficulty maintaining lane position and control of the vehicle; and

(ii) Improper braking and/or accelerating behavior in response to changing traffic conditions.

(C) Involuntary muscle movements results in:

(i) The inability to coordinate the fine motor movements needed to operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers; and

(ii) The inadvertent activation of the brake or gas pedal resulting in inconsistent speed or improper braking of the vehicle.

(D) Loss of muscle control results in:

(i) Loss of ability to use arms and/or legs in operating primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; delayed use or failure to use appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers; and

(ii) The inability to maintain safe control of a vehicle for prolonged distances.

(3) Cognitive impairments:

(a) Attention:

(A) Decreased awareness results in:

(i) Distraction or disorientation while driving;

(ii) Difficulty maintaining control of a vehicle for prolonged distances;

(iii) Delay in timely response to traffic control devices or directives;

(iv) Delay in timely response to changes in traffic conditions, traffic hazards and emergencies; and

(v) Delay in observing and responding to the position of other vehicles that are changing lanes, are in the oncoming lane of traffic or entering the roadway.

(B) A reduction in the ability to efficiently switch attention between multiple objects results in:

(i) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and

(ii) The inability to simultaneously manipulate vehicle controls and watch the roadway.

(C) Reduced processing speed results in:

(i) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies;

- (ii) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and
- (iii) Delay in timely response to traffic control devices or directives.

(b) Judgment and problem solving:

- (A) Reduced processing speed results in:
 - (i) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies;
 - (ii) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and
 - (iii) Delay in timely response to traffic control devices or directives.
- (B) An inability to understand the cause and effect relationship results in:
 - (i) The inability to anticipate the probable outcome in various driving situations resulting in delayed or no response to changes in traffic conditions, traffic hazard and emergencies, vehicles changing lanes, or vehicles, pedestrians or bicycles enter the roadway; and
 - (ii) Improper or delayed signal to other drivers that the vehicle is turning, changing lanes or stopping.
- (C) A deficit in decision-making ability results in:
 - (i) Delay in timely response to traffic control devices or directives; and
 - (ii) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.

(c) Delayed reaction time results in:

- (A) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway; and
- (B) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.

(d) Planning and sequencing:

- (A) A deficit in the ability to anticipate and/or react to changes in the environment results in:
 - (i) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway; and
 - (ii) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.
- (B) Problems with sequencing activities results in:
 - (i) Difficulty planning and safely maneuvering a driving route;
 - (ii) Frequently becoming lost, confused and unable to find the way from one location to another while driving resulting in panic and sudden, irrational changes in direction or loss of control of the vehicle.

(e) Impulsivity:

- (A) Lack of emotional control results in inappropriate emotional outbursts that can cause road rage and results in aggressive driving behaviors such as speeding, following too closely, not checking the intersection before entering when a light changes to green and cutting in and out of traffic.
- (B) Lack of decision making skills results in:
 - (i) Delay in timely response to traffic control devices or directives;
 - (ii) Difficulty planning driving routes resulting in rapid lane changes, or unsignaled or dangerous turns; and
 - (iii) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway.

(f) Visuospatial: Problems determining spatial relationships result in:

- (A) Difficulty maintaining lane position, merging with traffic or changing lanes;
- (B) Difficulty observing and delay in responding to the position of other vehicles driving on the roadway, the position of roadway curbs, and the position of parked vehicles alongside the roadway; and

(C) Difficulty positioning a vehicle while turning, maneuvering curves or parking.

(g) **Memory:**

(A) Problems with confusion and/or memory loss result in:

- (i) Frequently becoming lost, confused and unable to find the way from one location to another while driving resulting in panic and sudden, irrational changes in direction or loss of control of the vehicle;
- (ii) Failure or delay in observing and responding to traffic control devices and directives;
- (iii) The inability to consistently perform safe driving techniques;
- (iv) A lack of attention to other traffic;
- (v) Abrupt lane changes without looking for other traffic;
- (vi) Turning in front of an oncoming vehicle; and
- (vii) Drifting in and out of traffic lane.

(B) A decreased working memory capacity results in:

- (i) Frustration and confusion causing abrupt, unplanned or unsignaled turning, lane changes or stopping;
- (ii) The necessity for instruction from a passenger on proper driving techniques; and
- (iii) Lack of attention to other traffic.

(h) **Loss of consciousness or control** while driving results in loss of vehicle control.