



The At-Risk Driver Program...

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The At-Risk Driver Program: Purpose and Focus

Per Oregon Administrative Rule (OAR) 735-076-0000:

Purpose:

“...to preserve the independence, dignity, and self-esteem that result from providing one's own mobility,

So long as it is possible to do so without risk to oneself or to others.

Focus - on function:

“Drivers who have demonstrated unsafe or dangerous driving behaviors.” and/or

“...those drivers who have a mental or physical condition or impairment that may affect” the ability to drive safely.

INCLUDES ACTIVE ADDICTION: A LIKELY CAUSE OF CHRONIC DUII.



The At-Risk Driver Program: Program Components & Reporters

Components

- **Mandatory Reporting** – specific medical professionals
- **Non-Mandatory Reporting** – LEOs & everyone else

Reporters

- **Medical Professionals** – 60% of accepted reports (*Mandatory & Non-Mandatory combined*)
- **Law Enforcement** – 35+% of accepted reports
- **Anyone/everyone else** – family, friends, neighbors, the court, DMV staff, ...



The At-Risk Driver Program: **DUI... or something else?**

Many health conditions can appear as DUI,
not only those that are age related:

- Seizure disorder,
- Diabetes,
- Cardiac conditions,
- Early onset cognitive decline (*as early as late 30s*),
- Developmental or Mental Health conditions,
- Medication-induced impairment,
- Combinations thereof, ...



The At-Risk Driver Program: Intervention vs. Investigation

Reported Missing

- Search ensued including air and water resources.
- Suspended after several days.

Investigation determined...

- The day she was reported missing, stopped three times over several hours on suspicion of DUII.
- Released when not DUII.
- She stopped several more times, lost and confused, asking for help.

Costs

- Human: life lost and family impact.
- Organizational: multi-day, multi-jurisdiction investigation.

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Body of Missing Oregon Woman Discovered in Submerged Car

Salem-News.com

Divers confirm that the submerged car has a body inside, it is probably Dena Kline who has been missing since February 2006.

(OREGON CITY) - The body of a woman missing since February, 2006 has been discovered in an automobile located near the Sports Craft Marina in Oregon City.

Clackamas County Sheriff's Office Spokesman Jim Strovink says they are fairly sure 90-year old Dena Daphne Kline's remains have been found submerged in the automobile she was reported missing in, a 1990, Honda, Accord, Teal green in color, with Idaho license plate K332915.

The dive team was called out at approximately 7:43 PM this evening. They have now completed a dive into this body of water and confirm this is the same vehicle Dena Delphine Kline was driving when she disappeared in February, 2006.

Strovink says Clackamas County Sheriff's Marine personnel confirm this vehicle is occupied with a deceased person; although, the identification of this person has not been officially confirmed - it is 'reasonable to presume' the deceased is that of Dena Kline, said Strovink.

He says the Clackamas County Deputy Medical Examiner is responding to this location and will proceed with the Medical Examiners portion of this death investigation.



Dena Kline's car has been discovered submerged in the Willamette River at an Oregon City boat ramp



The At-Risk Driver Program: Law Enforcement Officers' Role

Often the first point of contact for drivers who may no longer be able to drive safely...

- **Driver doesn't have a healthcare provider**, doesn't see one regularly, or the provider is reluctant to report;
- **Their condition is Chronic and/or Progressive**, getting worse, and the driver hasn't noticed;
- **Their condition is intermittently progressive** - they have good and bad days with fewer good days as the condition progresses - LEO may see that even before family does;
- **They're avoidant or in denial**; often despite family efforts to intervene and sometimes despite health care provider efforts as well.





The At-Risk Driver Program: Importance of LEO Reporting...

When LEOs submit a report that meets reporting requirements:

- **Report can be accepted and driver suspended** for DMV to assess:
 - Medical eligibility and
 - Ability to drive safely.
- **Suspensions more likely to be affirmed at hearing***, especially when includes supporting documentation: incident report, crash report, etc.

**Officers are not subpoenaed*

Rejected reports have value!

DMV has the authority to combine multiple reports that have been or would be rejected but, when combined, do meet requirements.





The At-Risk Driver Program: Suspensions Types & Regaining Driving Privileges

Suspension Types –

- **Immediate** – effective five days from date of notice (*39% of suspensions in 2022*)
- **Non-Immediate** – effective 30-90 days from date of notice (*61% of suspensions in 2022*)

Regaining Privileges – requirements contained in Suspension Notice; may include:

- **A determination of medical eligibility** *requiring a driver to demonstrate their health condition is well-controlled or resolved, including addiction.*
 - Made by DMV’s Medical Determination Officer, a licensed MD, DO, PA, or NP;
 - Based on information contained in a Driver Medical Report - *included with Suspension* - completed by driver’s medical provider.
- **A Certificate of Vision** from a vision provider indicating meets state vision standards.
- **DMV testing**, including vision, knowledge and drive.





The At-Risk Driver Program - Regaining Driving Privileges: A Determination of Medical Eligibility

When a Determination of Medical Eligibility is required:

- **A Driver Medical Report must be completed and submitted** by the driver's treating healthcare provider addressing ***all* Reported Concerns**.
- **Medical Determination Officer can require additional information.** When a condition is chronic or progressive – *e.g., diabetes, seizure disorder, chronic substance abuse (a likely cause of chronic DUII), ...* – may include proof of compliance with treatment.
- **Once Medically Eligible** – *the condition is well-controlled or resolved* – **the driver may have one or more recertification requirements** to ensure condition(s) remains stable and well-controlled over time.
 - **Recertification failure** results in new suspension and the process restarts.
 - **Recertification success** leads to release from the program.
 - **Once released**, a new report for the same (*or a different*) health condition restarts the process.

DMV DRIVER MEDICAL REPORT					
DMV Office Use Only					
LAST NAME (please print)	FIRST NAME	MIDDLE NAME	SEX	DL / CUSTOMER NUMBER	DATE OF BIRTH
Reported Concerns:					
Reported Concerns					
<input type="checkbox"/> Check this box for consideration that the condition is resolved and not likely to recur.					
SECTION 3 To be completed by MEDICAL PROVIDER (M.D., D.O., N.D., N.P. or P.A.)					
NOTICE TO MEDICAL PROVIDER: This individual has selected you as the source of medical information they will provide to DMV. The information provided by specific licensed healthcare provider is used by DMV to assess the driver's medical eligibility to safely operate a motor vehicle. The information and comments you provide will be reviewed by DMV's Medical Determination Officer (MDO), along with other medical reports and reports of driving behavior to make a determination on the individual's medical eligibility for driving privileges, requirement to test, and recertification.					
Instructions: <ul style="list-style-type: none">• Complete Section 3 of this form• Keep a copy of the completed form and either mail or FAX the completed pages to: DMV Driver Specialty Services, 1905 Lana Ave NE, Salem OR 97314 FAX (503) 945-5329					
Relationship to patient: 1. Date of most recent clinical contact: _____ 2. Relationship to patient: <input type="checkbox"/> First Visit <input type="checkbox"/> Recently Transferred Care <input type="checkbox"/> Established Patient How long? _____ <input type="checkbox"/> mos <input type="checkbox"/> yrs 3. Are you the provider managing the issue(s) in question? <input type="checkbox"/> Yes <input type="checkbox"/> No					
Current Medical: 4. Do you believe this person's ability to safely operate a motor vehicle may be impacted by their medical condition? <input type="checkbox"/> Yes <input type="checkbox"/> No 5. Condition(s) or diagnosis(es) related to driving concern(s): _____ 6. Is the condition(s) new? <input type="checkbox"/> Yes <input type="checkbox"/> No Has the severity increased in the last 6 months? <input type="checkbox"/> Yes <input type="checkbox"/> No 7. The condition is: <input type="checkbox"/> Acute <input type="checkbox"/> Chronic <input type="checkbox"/> Progressive <input type="checkbox"/> Resolved 8. Is the patient compliant with medication and/or treatment? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Resolved / NA 9. Is the patient's condition currently well controlled? <input type="checkbox"/> Yes - Period of Stability: _____ <input type="checkbox"/> mos <input type="checkbox"/> yrs <input type="checkbox"/> No <input type="checkbox"/> Resolved / NA 10. Has the person had a loss of consciousness or control in the past 3 months? <input type="checkbox"/> Yes - Date: _____ <input type="checkbox"/> No Medication(s) or Therapies used to treat condition: _____ 11. Does this person have issues with the abuse of alcohol/marijuana/medication/illegal substance? <input type="checkbox"/> Yes <input type="checkbox"/> No Is it active? <input type="checkbox"/> Yes <input type="checkbox"/> No Is the driver in sustained remission? <input type="checkbox"/> Yes <input type="checkbox"/> No Should the driver undergo substance use disorder treatment? <input type="checkbox"/> Yes <input type="checkbox"/> No					
PLEASE PROVIDE AS MUCH INFORMATION AS POSSIBLE regarding this patient's medical condition(s), as reflected in the Reported Concerns box above, and its impact on driving. Include any test result(s), written opinion or additional documentation as appropriate.					
Recertification and testing: 12. In your opinion, should the MDO require this individual to take DMV tests to determine whether they can safely operate a motor vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No 13. In your opinion, should the MDO require recertification of the patient's condition in the future? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> 6 months <input type="checkbox"/> 1 year <input type="checkbox"/> 2 years <input type="checkbox"/> Other: _____					
MEDICAL PROVIDER INFORMATION					
NAME OF LICENSED MD, DO, N.D., NP OR PA (please print)			SPECIALTY		LICENSE OR CERTIFICATE #
ADDRESS, CITY, STATE, ZIP CODE			TELEPHONE #		FAX #
SIGNATURE OF MEDICAL PROVIDER X			DATE SIGNED		



The At-Risk Driver Program: Who and When to Report

Who:

- **Drivers you have contact with** during a traffic stop or response to a crash **who...**
 - **May no longer be able to drive safely due to a possible health condition**, based on *your observations.*
 - **Aged 14 years and older.**
- See NHTSA video: *Law Enforcement and the Medically At-Risk Driver*, linked at the top of the At-Risk Driver Reporting for Law Enforcement webpage.



When:

- **The reason for your contact** – a traffic stop or crash – **was or may have been caused by** a medical condition or impairment, or what appears to you to be one (*including chronic DUI*).

Remember - several different health conditions may appear similar to DUI and affect drivers of all ages, as well as age-related conditions/impairments.

Chronic DUI qualifies for reporting. Another tool in the LEO toolbox...

- **Even when/if you think or believe** someone else will or should report (*e.g., family, medical professionals, etc.*)





The At-Risk Driver Program: Online Resources

Oregon Driver Fitness

- Web search: “Oregon Driver Fitness” - first link returned
- Links to following pages
- Resources for reporters, drivers, their families and caregivers
- **Concerns About a Driver pane includes:**
 - **At-Risk Reporting for Law Enforcement**
 - **At-Risk Reporting for Medical Professionals**
 - **Reporting an Unsafe/At-Risk Driver**
 - Who, When, and How to Report (*including reporting forms*)
 - After a driver is reported...
 - Related Resources
 - HIPAA, Confidentiality, Liability (*medical page only*)
 - Governing Laws (*Reporting an Unsafe/At-Risk Driver page only*)
 - FAQs (*Reporting an Unsafe/At-Risk Driver page only*)
 - ...





The At-Risk Driver Program...

Other Questions?

To schedule a presentation for your organization, contact:

Karen.R.OFearn@odot.Oregon.gov

503-945-5295

Thank you!!

for your Time,

Attention,

Support and Assistance

in keeping our road users safe!!

