

At-Risk Driver Program

Karen O’Fearna, Program Coordinator

Overview:

- **Purpose** – Balance Independence and Safety
- **Focus** – Functional Ability
- **Reporting Components & Authorities**
- **Structure**
- **Process:**
 - Report Processing and Criteria
 - Suspensions: When a report is accepted
 - Regaining Privileges
- **Online Resources**



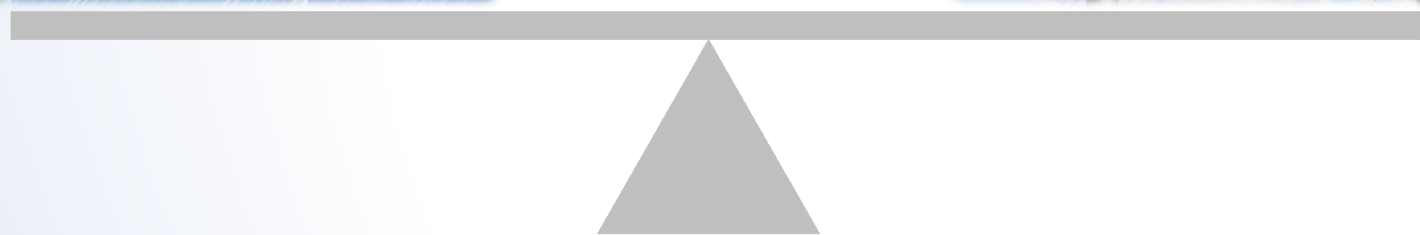


At-Risk Driver Program: Purpose – Balance Independence & Safety

Per Oregon Administrative Rules 735-076-0000(2), OAR 735-074-0050(2):

“...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.”





At-Risk Driver Program - Focus:

Functional Ability *of drivers 14 and older*

Per Oregon Revised Statute 807.710(3):

Determinations:

- “...*must be based on the actual effect of that condition(s) or impairment on the person’s ability to drive safely...*”
- “... may not be based solely on the diagnosis of a medical condition or cognitive or functional impairment...”





At-Risk Driver Program: Reporting Components & Authorities

Impairment-based: Mandatory Reporting (OAR 735-074)

- Reporting via the **Mandatory Impairment Referral**
 - Specific medical professionals – *defined in statute and rule* – mandated to report
 - Impairment(s) must be both “severe” and “uncontrollable” (*defined in rule*)
 - Qualifying impairment types include functional – *including vision* – and cognitive
 - 40% of reports accepted in 2022



Driving behavior-based: Non-Mandatory Reporting (OAR 735-076)

- Reporting via the **Driver Evaluation Request** (*59% of reports accepted in 2022*)
 - Law Enforcement – *the majority of non-mandatory reports accepted in 2022* – and the community
 - Unsafe or dangerous driving behavior related to a health condition (*as defined in rule*)



Governed by the same statutes: ORS 807.710, 809.419, ...



At-Risk Driver Program - Process: Mandatory Impairment Referral

Received by fax

Assessed against criteria (OAR 735-074)

- **“Severe”** defined as “the impairment *substantially limits* a person’s ability to perform *activities of daily living, including driving...*” (OAR 735-074-0080(11)) **and**
- **“Uncontrollable”** defined as “the impairment *persists despite efforts to control or compensate for* it by medication, therapy, surgery, or adaptive devices.” (OAR 735-074-0080(12));

or against OAR 735-076-0005(1)(d):

- The report contains **“Sufficient information to give DMV reason to believe the person may no longer be** qualified to hold a driver license, driver permit, or endorsement or may no longer be **able to drive safely”** (OAR 735-076-0005(d))





At-Risk Driver Program - Process: Driver Evaluation Request

Received by:

- Fax, mail, or
- Referred by DMV staff (e.g., field staff, crash report processing staff, ...).

Assessed against OAR 735-076-0005(1)(d):

The report must contain “***Sufficient information to give DMV reason to believe the person may no longer be*** qualified to hold a driver license, driver permit, or endorsement or may no longer be ***able to drive safely***” (OAR 735-076-0005(d))



At-Risk Driver Program: **Suspensions** *after a report is accepted*

Immediate - Effective 5 days from date of notice. Occurs when:

- A Mandatory Impairment Referral is accepted under the Mandatory rule; or
- A Driver Evaluation Request is accepted that “...gives DMV reason to believe that the person may endanger people or property if not immediately suspended...” (OAR 735-076-0007(5))



Non-Immediate - Effective 60-90 days from date of notice. Occurs when:

- A Mandatory Impairment Referral is accepted under the Non-Mandatory rule *and does not give DMV reason to believe the driver presents an immediate danger;* or
- A Driver Evaluation Request is accepted.
- Delay in effective date intended to give drivers time to meet requirements prior to the effective date.

Notices contain:

- **Requirements** - may include determination of medical eligibility.
When a determination of medical eligibility is required, a **Driver Medical Report** form is included.
- **Right to request a hearing**, with directions.
- **Dedicated phone number** for At-Risk suspension questions.



At-Risk Driver Program: Regaining Driving Privileges

Complete requirements contained in Suspension Notice. May include:

- **A determination of medical eligibility.**
 - Made by DMV’s Medical Determination Officer, a licensed MD, DO, PA, or NP;
 - Based on information contained in a Driver Medical Report completed by driver’s medical provider.
 - Additional information may be requested.
- **A Certificate of Vision** from a vision provider.
- Successful completion of **DMV testing**, including:
 1. Vision screening
 2. Knowledge test
 3. Drive test



Driver Fitness (search for “Oregon Driver Fitness”), includes links to:

- **At-Risk Reporting for Medical Professionals**
- **At-Risk Reporting for Law Enforcement**
- **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*)
 - Informational videos, ...





At-Risk Driver Program

Questions?



**Thank you
for your interest,
time, and attention!**

