Who is Fit to Drive? Amended Legislation Expands and Clarifies Medical Reporting Requirements

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In Ontario, all drivers are required to meet basic medical and vision standards in order to operate a motor vehicle. Physicians and optometrists have long been required by law to report certain persons who suffer from conditions that may make it dangerous for that person to operate a motor vehicle.

On July 1, 2018, amendments to the medical reporting requirements under the *Highway Traffic Act* and associated regulations came into effect. The amendments bring a number of significant changes to the reporting regime, including the addition of nurse practitioners and occupational therapists and the clarification of medical conditions that require reporting.

Notable Changes

Firstly, nurse practitioners are now included alongside physicians and optometrists in the list of "prescribed persons" with mandatory reporting requirements.

Secondly, the amendments include a fairly broad list of prescribed medical conditions, functional impairments, and visual impairment that nurse practitioners and physicians must report. These prescribed conditions include certain cognitive impairments, sudden incapacitations, motor or sensory impairments, visual impairments, substance abuse disorders, and psychiatric illnesses. Optometrists are only required to report with respect to visual impairments. Previously, mandatory reporting obligations were merely based on the subjective opinions of practitioners that a person was suffering from a condition "that may make it dangerous for the person to operate a motor vehicle."

The amendments also create a completely new category for discretionary reporting, whereby prescribed persons which include physicians, nurse practitioners, optometrists, and occupational therapists (OTs), may report a person who "in the opinion of the prescribed person, has or appears to have a medical condition, functional impairment or visual impairment that may make it dangerous for the person to operate a motor vehicle." The amendments therefore make it mandatory for nurse practitioners, physicians, and optometrists to report impairments on the prescribed list of conditions,

but discretionary for the above listed practitioners and OTs to report illnesses arising from any other type of condition.

New, standardized reporting forms have also been introduced. Physicians, nurse practitioners, and OTs must use the two-page

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