

## FAQ- Driving after Musculoskeletal Injury/Surgery

The following is provided for general information only. We are not attorneys, and are not providing any legal advice.

Narcotics and other medications can or will have a substantial impact on the patient's ability to operate vehicles, machinery or perform other household or work related tasks. The patient must carefully read the instructions and warnings on the medication container and consult the pharmacist before taking any medication.

The patient should not perform any coordination related task until the use and effects of any such medication(s) are eliminated. In some cases these medications can have effects that last for days following the completion of the prescription. Almost any medication or medical condition will prevent the patient from being allowed to operate a commercial vehicle, train, ship or aircraft pursuant to the rules and regulations related to any such operator's license or permit.

"Medical clearance" for operating a motor vehicle will not be provided by any treating physician due to restrictions in effect by liability carriers and California Law. There is a significant potential for foreseeable and unforeseeable injuries sustained by the patient and others who were injured or damaged by the actions or inactions of the patient under several circumstances. The patient's strength, coordination, free movement, fast reactions, balance and other physiological and mental components may factor into the liability equation.

How does DMV find out about people who may not be able to drive safely because of a medical condition?

DMV accepts reports of potentially unsafe drivers from: police officers, the courts, physicians, family members, friends, other citizens and hospitals. Anonymous referrals are only accepted from immediate family members who identify themselves as such. DMV offers a booklet titled, "The Medical Exam for Commercial Drivers; A Guide For Physicians," is available by calling (916) 657-5691. In addition, the Federal Motor Carrier Safety Administration (FMSCA) published advisory criteria to help in determining a person's qualifications to drive commercially.

The commercial driver guidelines may lend some guidance in the area of orthopedic, muscular, neuromuscular and arthritic conditions. For example, conditions such as impaired sensation, muscle weakness, decreased joint motion, as well as pain may prohibit driving. These conditions may suddenly incapacitate or interfere with the ability to safely operate ANY vehicle or machinery. DMV may require that the driver submit to a medical evaluation if the driver has impairments which are observed by DMV during the licensing process, or if they are involved in a crash involving a fatality or are involved in a given number of crashes in a certain time period.

What is the process for medical evaluations of drivers?

When DMV becomes aware that a person has a medical condition that could impair safe driving performance, DMV will request medical information from that person and his or her physician through a medical evaluation form. In addition to providing the diagnosis, the physician is asked to indicate whether the condition is improving, stable, worsening, or subject to change;

medications prescribed; whether side effects of medications may interfere with the ability to safely operate a motor vehicle; whether the medical condition affects safe driving ability; and whether the physician has advised against driving. DMV uses the information along with other non-medical factors in reaching a licensing decision.

Who makes decisions about whether drivers are medically qualified?

**Drivers with medical conditions or functional impairments are evaluated by non-medical administrative staff in DMV's Driver Safety Branch.**

***DMV has the sole responsibility for decisions regarding the patient's driving qualifications and licensure.***

As part of this area of driver certification, California has established a Special Drive Test (SDT). The SDT is administered to determine if an applicant can be safely licensed when a standard driving test is not adequate to evaluate the driver's ability to compensate for some type of disability or medical condition. For example, an SDT is administered to (1) applicants who have failed one or more regular driving tests if it is judged that they cannot improve, (2) drivers identified as having P&M (physical or mental) conditions that may make their driving unsafe, (3) drivers referred by law enforcement for committing a dangerous traffic maneuver with evidence of medical incapacity to drive, (4) drivers who, for reasons of progressive impairment, are allowed to retain the driving privilege only if they report to DMV for periodic reexaminations, and (5) drivers subject to an area restriction for reasons of impairment. An area restriction to a particular neighborhood is given only if there is generally little traffic within that neighborhood and the driver passes a test given within its boundaries.

We suggest that you contact DMV and the FSMCA at the numbers provided for more guidance on these issues.

Your treating physician is not considered to be an expert who is qualified to determine if a patient can safely operate a vehicle or machinery. The physician may assess the probability that a patient will be able to maintain control of vehicles and machinery. If the patient is a commercial driver, pilot or train engineer, the patient that must secure a medical clearance from their licensing board before they can resume their licensed or permitted activities. These obligations apply to any case where the patient is prescribed medications or received medical care that has affected the patient's degree of control of a vehicle or machinery.

In summary, DMV has the sole responsibility to determine a patient's driving status following a medical event. **The treating physician will NOT provide any form of medical clearance to any patient UNLESS requested to do so by DMV.** The patient is advised to consult an attorney of his/her choice if they have any questions about their individual circumstances.