

R708. Public Safety, Driver License.

R708-7. Functional Ability in Driving: Responsibilities for Physicians and Drivers.

R708-7-1. Purpose.

The purpose of this rule is to establish the:

- (1) procedure for administering the standards and guidelines used by health care professionals to assess certain medical conditions in relation to driving safety;
- (2) responsibilities of health care professionals to educate patients on how medical conditions may affect driving safety; and
- (3) responsibilities of drivers regarding their health as it relates to driving safety.

R708-7-2. Authority.

This rule is authorized by Section 53-3-104.

R708-7-3. Definitions.

- (1) Terms used in this rule are defined in Section 53-3-102 and 53-3-302.
- (2) In addition:
 - (a) “guidelines” means the Functional Ability In Driving: Guidelines and Standards for Health Care Professionals created by the board to assist health care professionals in assessing certain medical conditions in relation to driving safety;
 - (b) “medical form” means a functional ability evaluation medical report form furnished by the division used by health care professionals to assess medical conditions;
 - (c) “vision form” means a certificate of visual examination form furnished by the division used by health care professionals to assess visual acuity.

R708-7-4. Driver's Responsibilities.

- (1) Each individual that applies for or holds a Utah driver license shall:
 - (a) answer health questions related to driver safety each time an application for a Utah license is submitted to the division;
 - (b) refrain from driving if there is uncertainty caused from having a physical, mental or emotional impairment which may affect driving safety;
 - (c) seek medical evaluation and advice about the significance of any impairment that relates to driving vehicles safely; and
 - (d) report a physical, mental or emotional impairment which may affect driving safety to the division in a timely manner.
- (2) If the applicant or driver experiences a physical, mental or emotional impairment, the applicant is required to take a medical or vision form furnished by the division to a health care professional who shall provide all requested information, including a safety assessment level that reflects the applicant's condition.
- (3) In case of uncertainty of interpretation of the guidelines, or in special circumstances, applicants may request a review of any division decision by a panel of board members. All of the actions of the director and board are subject to judicial review.

R708-7-5. Health Care Professional's Responsibilities

- (1) Health care professionals shall:

(a) discuss the applicant's health as it may affect driving abilities and to make special recommendations in unusual circumstances;

(b) complete and assess physical, mental or emotional impairment conditions on reports furnished by the division; and

(c) report to the division regarding serious physical, mental or emotional impairments which may affect driving safety concerning their patients.

(2) Health care professionals who make reports to the division regarding physical, mental, or emotional impairments that pose a threat to driving safety have immunity from any damages claimed from making the report.

R708-7-6. Driver License Medical Advisory Board.

The Driver License Medical Advisory Board, shall:

(1) Recommend written functional ability and safety assessment guidelines and standards for determining the physical, mental and emotional capabilities of applicants for licenses, appropriate to various driving abilities.

(2) Advise the director of the division on individual cases regarding medical impairment and driving safety.

(3) Administer the guidelines.

R708-7-7. Persons Authorized to Complete Functional Ability Evaluation Medical Report Form.

(1) Physicians and surgeons licensed to practice medicine may complete the entire medical form.

(2) Nurse practitioners and physician assistants, and advanced practice nurses, doctors of chiropractic and other health care professionals may perform physical examinations and report their findings on the medical form provided that:

(a) they are licensed by the state as health care professionals;

(b) the physical examination does not require advanced or complex diagnosis or treatment; and

(c) in the event that advanced or complex medical diagnostic analysis is required, the patient will be referred to the appropriate physician, surgeon or doctor of osteopathy for further evaluation and for completion of the functional ability evaluations certifications report in those categories.

R708-7-8. Use of the Safety Assessment Level

(1) In assessing patient health and completing the report forms, health care professionals shall apply the standards in the guidelines.

(2) The board has identified the following specific medical categories and safety assessment levels:

(a) "category A" diabetes and metabolic conditions;

(b) "category B" cardiovascular;

(c) "category C" pulmonary;

(d) "category D" neurologic;

(e) "category E" seizures and episodic conditions;

- (f) “category F” learning and memory;
 - (g) “category G” mental health;
 - (h) “category H” alcohol and other drugs;
 - (j) “category J” musculoskeletal or chronic debility; and
 - (k) “category K” alertness or sleep disorder.
- (3) The guidelines are published on the division’s website.
- (4) Some safety assessment levels may result in the division requesting an individual to complete a driver review, which may include a driving skills test to demonstrate the ability to safely operate a motor vehicle before determining if:
- (a) the individual will maintain the privilege to drive without restrictions;
 - (b) driving restrictions may be required to ensure public safety; or
 - (c) the individual must discontinue driving.
- (5) A health care professional may also request that the division evaluate an individual's driving skill level at the health care professional's discretion.

R708-7-9 Denial of Driving Privileges.

(1) The division shall notify an individual that their privilege to drive is denied for any of the following:

(a) a medical form that is completed in any category which the driver is assessed at a level eight in accordance with the guidelines, or other documentation which indicates that the health care professional recommends that the individual does not drive;

(b) a vision form that the driver is assessed at a level ten in accordance with the guidelines, or other documentation which indicates that the health care professional recommends that the individual does not drive; or

(c) the inability to complete or successfully pass a driver review.

(2) Upon receipt of a notice of denial of the privilege to drive, an individual may request a review of the division's decision by a panel of board members. All of the actions of the director and board are subject to judicial review.

KEY: administrative procedures, health care professionals, physicians

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