

Drivers with Diabetes

Information and Recommendations for Health Care Providers and Persons with Diabetes who Operate a Motor Vehicle

SUMMARY:

The Americans with Disabilities Act and the courts have determined that driving is an “important interest” that should not be routinely disallowed for people with disabilities. At the same time, the Department of Motor Vehicles (DMV) has a responsibility to make sure that all licensed drivers are qualified under the law to operate a motor vehicle safely. Because people with diabetes can experience a lapse of consciousness related to hypoglycemia (low blood glucose or sugar), their ability to operate a motor vehicle safely may be a concern.

(For complete document, please download document below)

WHAT CAUSES A PERSON’S LICENSE TO COME UNDER DMV REVIEW?

- A traffic collision or traffic violation in which diabetes is observed or suspected to play a part;
- A report from a physician indicating a loss of consciousness, or other condition which, in the physician’s opinion, would interfere with the safe operation of a motor vehicle;
- Notification by emergency personnel as the result of a loss of consciousness;
- Notification by a family member or friend that the person’s condition interferes with their ability to safely operate a motor vehicle;
- A DMV driver license application or renewal by mail notice where the applicant has indicated that they have diabetes, and within the previous licensure period has experienced a lapse of consciousness or control, or had any disease, disorder, or disability which affects their ability to operate a motor vehicle safely.

ANSWERING QUESTIONS ON THE DMV DRIVER LICENSE APPLICATION OR RENEWAL BY MAIL NOTICE:

The most common source of confusion for individuals with diabetes when completing a DMV application, is how to answer the question, “Do you have a medical condition that may impact your ability to safely operate a motor vehicle?”

Important clarification: *The DMV is not asking whether or not an individual has diabetes.* Instead, the DMV is asking if an individual’s diabetes affects their ability to drive in a safe manner. If answering “YES,” the individual is indicating that his/her diabetes will negatively affect their ability to drive. For example, the individual with diabetes may be experiencing severe episodes of hypoglycemia; may have experienced a recent loss of consciousness or had a seizure; may be unable to recognize symptoms of hypoglycemia; or may have additional health issues that impact their ability to drive in a safe manner, such as vision problems related to their diabetes.

If answering “NO”, the individual is declaring that his/her diabetes does not “impair” their ability to safely operate a motor vehicle, including experiencing episodes of loss of consciousness or marked confusion. For example, the driver takes preventative steps to avoid hypoglycemia, and therefore their diabetes is managed safely.

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For further information: www.caldiabetes.org or (916) 552-9888.

HOW WILL THE DMV EVALUATE A DRIVER WITH DIABETES?

Once the DMV is aware of any driver with a health condition that may cause a potential driving risk to themselves or others, the DMV will individually evaluate the driver to ensure they do not present a driving risk.

DMV's evaluation may include, but is not limited to:

- Medical information, as provided by the physician monitoring the driver's condition: Driver Medical Evaluation Form (DS 326) or other narrative report completed by the physician, and/or a Report of Vision Examination (DL 62);
- Ability to detect (and manage) symptoms of hypoglycemia, control blood glucose (sugar) levels and to properly monitor their diabetes;
- Prior driving record, including prior referrals to DMV;
- The type of vehicle driven and where, when and how often the person drives;
- Use of alcohol and drugs;
- Any other existing medical conditions or medications that may impact the driver's diabetes and could potentially interfere with the person's ability to drive.

After considering all of these facts, the DMV decides the most appropriate course of action. Various options for DMV administrative action are as follows:

Course of Action Based on Driver Evaluation	
No Action	The condition does not warrant an action against the driver's privilege to operate a motor vehicle.
"Regular" Reexamination	A "regular reexamination" is scheduled on a specified date and time, either in person or by telephone, in order to determine whether the driver has the necessary physical and/or mental skills to safely operate a motor vehicle. Factors to be considered include physical requirements, sensory functions, mental requirements, emotional stability, knowledge requirements, physical limitations/restrictions, physical or mental condition and history, aggravating factors, and treatment. Please note: If the driver fails to appear as scheduled and complete the reexamination the driving privilege is required to be suspended.
Priority Reexamination	The driver is served a Notice of Priority Reexamination by a law enforcement officer because at the time the driver was stopped they displayed evidence of incapacity. The driver must appear for a Priority Reexamination within five days or their driving privilege will be suspended.
DMV Administrative Actions Based on Reexamination	
Restrictions	The individual may drive under specific conditions and circumstances, as determined by the DMV. For example, a driver may be restricted to drive during certain times of the day, within certain areas or have their vehicle equipped with specialized safety equipment.
Limited Term License	A license issued by a DMV field office for one to two years, which is less than the usual term (five years) of a license, and requires the driver to return to DMV for reevaluation and potential re-testing and/or testing.
Calendar Reexamination	If a Limited Term License is not issued, a driver may be scheduled for a Calendar Reexamination. The driver will be required to appear for the Calendar Reexamination at specified intervals and provide updated medical information regarding their condition. They may also be required to be re-tested.
Medical Probation I	The driver must comply with medical regimen and report any changes in their medical condition to DMV.
Medical Probation II	Annual medical reports are required to be submitted to the DMV on specified dates by the physician monitoring the driver's condition.

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Suspension	The driving privileges are suspended for an indefinite period of time, but can be reinstated at any time, provided the driver can show that their physical or mental condition is compensated for and no longer presents a safety risk.
Revocation	The driving privileges are terminated. Generally the condition is so severe it does not appear likely that the person's physical or mental condition will ever improve.

WHAT ARE THE DRIVER'S RIGHTS IF A NOTICE OF RE-EXAMINATION, SUSPENSION OR REVOCATION IS RECEIVED?

1. A hearing to reevaluate the medical condition can be requested by contacting the nearest Driver Safety Office (listed in local phone book).
2. At the hearing, the driver may be represented by an attorney.
3. In addition to an attorney, other witnesses can testify on the driver's behalf, and/or other evidence may be submitted to support the driver's position.
4. The driver or representative has the right to request copies of DMV records provided they do so within the timeframe provided by law. ***Note:** Drivers should read all documents carefully to ensure they are not waiving their legal rights.
5. The driver should be aware that any conversation with the DMV, including a phone call received by the DMV, is not considered an official hearing. However, the conversation may be taken into consideration for an evaluation and during a DMV hearing.

IMPORTANT CONSIDERATIONS WHEN COMMUNICATING WITH THE DMV HEARING OFFICER:

1. Medical personnel often use the terms "control" or "well-managed" to indicate whether a patient's diabetes management is achieving the target range. However, DMV employees (as non-medical personnel) generally have a different understanding of these terms. To DMV staff, the words "control" or "well-managed" indicate that the driver with diabetes can drive safely; there is no significant risk of episodes of hypoglycemia that would interfere with coordination, judgment or level of consciousness while driving. It does not necessarily refer to "control" as indicated by A1C or degree of hyperglycemia as used by medical professionals or individuals with diabetes. If a physician states that a patient's diabetes is "out of control" or "not well-managed," the DMV may assume that the individual poses a safety risk. **It is suggested that the physician avoid use of the word "control" when reporting to the DMV, and instead describe the potential safety concerns posed, if any, by the individual's diabetes.**
2. Review the Physician Report to the DMV (Form DS 326) carefully to make sure the form is filled out appropriately. ***Physician Note:** When the DMV asks when the driver should be re-evaluated, it means when the DMV should re-evaluate the driver, not when the patient needs to be seen for medical follow-up.
3. Copies of all paperwork and correspondence with the DMV should be kept.
4. Representation by an attorney during hearings is allowed and may be needed.
5. DMV hearing officers are trained in these proceedings, including knowledge of medical conditions. Some information and training is provided to all hearing officers from various experts in the medical community. However, knowledge and understanding of diabetes and its management may vary.
6. If the driver feels the DMV has made a decision in error, the driver may ask for a review of the decision through DMV or through Superior Court. The American Diabetes Association or the California Diabetes Program may be able to offer additional advice on requesting that the DMV review an individual appeal to determine if the hearing officer's decision was appropriate.

WHAT ARE THE DRIVING RESPONSIBILITIES FOR PEOPLE WITH DIABETES?

1. The driver knows how to avoid hypoglycemic episodes and how to recognize and treat hypoglycemia (low blood glucose).

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2. The driver knows his/her blood glucose levels *before starting the car*. If uncertainty exists, the blood glucose should be tested before driving.
3. Drivers should not start driving if blood glucose is “low” or if any symptoms of low blood sugar are present or suspected.
4. The driver keeps blood glucose testing equipment and a supply of fast-acting sugar and snacks readily available in the vehicle at all times.
5. The driver should pull over if symptoms of hypoglycemia are present and treat immediately. Driving should not resume until symptoms are resolved.

6. The driver should teach passengers to recognize the symptoms of hypoglycemia and offer their help if they observe any symptoms.
7. The driver wears or carries personal medical identification at all times.
8. The driver reports any loss of consciousness or severe low blood glucose episodes to a doctor.

ADDITIONAL INFORMATION:

For more information about diabetes, contact the American Diabetes Association (ADA) at 1-800-DIABETES or www.diabetes.org

You may also contact the California Diabetes Program in the California Department of Health Services at (916) 552-9888.

Current information on driving-related issues may also be found at the following websites:

American Diabetes Association: <http://www.diabetes.org/advocacy>

California Department of Motor Vehicles (DMV): www.dmv.ca.gov

California Diabetes Program: www.caldiabetes.org