

HOUSE No. 2332

By Ms. Khan of Newton, petition of Kay Khan and Stephen M. Brewer relative to reporting of impaired drivers by health care providers. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO IMPAIRED DRIVERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws as appearing in the 2004 Official
2 Edition shall be amended by inserting after Section 8C the following
3 section:—

4 Section 8C½. (a) For the purposes of this section the following
5 words shall, unless the context clearly requires otherwise, have the
6 following meanings:—

7 “Physician” means a doctor of medicine or osteopathy licensed to
8 practice medicine by the Board of Registration in Medicine for the
9 Commonwealth of Massachusetts.

10 “Health care provider” means a person licensed, certified or oth-
11 erwise authorized or permitted by the laws of this state to administer
12 health care.

13 (b) Every physician and health care provider shall report to the
14 registrar of motor vehicles in writing every patient at least 16 years
15 of age or older whom the physician or health care provider has diag-
16 nosed with a cognitive or functional impairment that affects that per-
17 son's ability to safely operate a motor vehicle.

18 (c) The commissioner of public health in consultation with the
19 registrar of motor vehicles, medical experts and experts on cognitive
20 or functional impairments, and the medical advisory board of the
21 registry of motor vehicles shall promulgate regulations designating
22 the cognitive or functional impairments that are likely to affect a
23 person's ability to safely operate a motor vehicle. Determinations
24 regarding a person's ability to safely operate a motor vehicle may

25 not be based solely on the diagnosis of a medical condition or cogni-
26 tive or functional impairment, but must be based on the actual effect
27 of that condition or impairment on the person's ability to safely
28 operate a motor vehicle.

29 (d) Reports required by the registrar under this section shall be
30 upon forms prescribed or provided by the registrar. Each report shall
31 include the person's name, address, date of birth, sex and a descrip-
32 tion of how the person's current medical status affects the person's
33 ability to safely operate a motor vehicle. The registrar of motor
34 vehicles shall consider this information in determining whether to
35 issue or suspend a license to operate motor vehicles.

36 (e) If a physician or health care provider makes a report, pursuant
37 to this section, to the department in good faith, that person shall be
38 immune from civil liability that might otherwise result from making
39 the report. If a physician or health care provider does not make a
40 report, that person shall be immune from civil liability that might
41 otherwise result from not making the report.

42 (f) The reports required by the registry under this section are con-
43 fidential and shall be used by the registrar only to determine the
44 qualifications of persons to operate motor vehicles.