

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*

**MEMORANDUM IN OPPOSITION**

**ON SENATE FLOOR**  
**(Cal. #1212)**

**S. 3569 (Young)**

**IN ASSEMBLY TRANSPORTATION**  
**COMMITTEE**

**A.10094 (Carroll)**

**AN ACT to amend the vehicle and traffic law, in relation to requiring disclosure to the department of motor vehicles of any condition which may cause a person licensed to operate a motor vehicle to lose consciousness or have impaired cognition**

This bill would require a licensed physician, physician assistant or nurse practitioner to report patients that have a chronic condition which cause or may cause unconsciousness or unawareness to the Department of Motor Vehicles. Such conditions may include a convulsive disorder, epilepsy, fainting, dizzy spells, coronary ailments or other health conditions that may impair the ability to operate a motor vehicle. **The Medical Society of the State of New York opposes this legislation.**

Physicians very much understand the underlying concerns about pedestrian and driver safety that lead to this legislation, and support efforts to ensure safety and reduce vehicular accidents. Indeed, MSSNY has adopted a comprehensive policy on impaired drivers that supports the ability of a physician to voluntarily report certain patients to DMV whom the physician believes should not operate a motor vehicle. However, this bill goes too far and would likely force physicians to over-report, even in situations where the risk of a condition causing unconsciousness or unawareness is remote. MSSNY has great concerns over the ambiguity of the bill language and the fact that it encompasses a number of medical conditions where there may only be a remote chance the unconsciousness and unawareness may occur. Most states with laws related to reporting of impaired drivers permit physicians to voluntarily report, but do not require them to do so. Missouri's law has been hailed as one the most comprehensive in the country and does not require physicians to report impaired drivers.

A physician's determination of whether an individual's condition impairs his or her ability to operate a motor vehicle is complicated by privacy concerns of the individual. The legislature must consider the effect that this bill would have on the relationship between the physician and the patient. This relationship must be a positive one between partners committed to one goal – patient health. A proposal such as this would inevitably harm this relationship. Of greatest concern, it would likely discourage some patients from seeking treatment for the medical care that they need for fear of being reported to the DMV.

It is not always apparent when a general health problem, vision problem, or a side effect of medications will lead to a driving impairment. Consequently, the physician's duty to report medical conditions that would impair safe driving should be voluntary and under the physician's discretion.

**Based on the foregoing, the Medical Society of the State of New York opposes this legislation and urges that it be defeated.**

**Respectfully submitted,**

**MSSNY DIVISION OF GOVERNMENTAL AFFAIRS**

5/14/18

JB-Oppose