



SPONSOR: Rep. Matthews & Sen. Hansen
Reps. Baumbach, Briggs King, K. Johnson, Osienski

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 108

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DRIVER'S LICENSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 1, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 101. Words and phrases.

For the purposes of this title, unless the context otherwise clearly indicates:

() "Licensed independent practitioner" means an individual licensed under Chapter 17 or 19 of Title 24.

Section 2. Amend Chapter 27, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2707. License qualifications.

(b) The Department shall not issue an operator's or chauffeur's license to any:

(6) Person who is subject to loss of consciousness due to disease of the central nervous system, unless such person furnishes the Department with a certificate of the person's treating ~~physician~~, licensed independent practitioner, duly licensed to practice ~~medicine and surgery pursuant to~~ under Chapter 17 or 19 of Title 24, which certificate states:

"I (name of treating ~~physician~~ licensed independent practitioner) hereby certify that I am the treating ~~physician~~ licensed independent practitioner for (name of person), that I have been the treating ~~physician~~ licensed independent practitioner for ~~him/her~~ (name of person) for a period of at least 3 months, that I am aware of ~~his/her~~ (name of person's) medical history, including ~~his/her~~ (name of person's) history with respect to diseases of the central nervous system, and that such person's physical or mental disability is under sufficient control to permit ~~him/her~~ (name of person) to operate a motor vehicle with safety to person and property."

Each person licensed to operate a motor vehicle on the basis of such certificate shall furnish the Department with a new certificate each year not later than the last day of the holder's birth month and not earlier than 45 days before said date. The certificate shall show that on the basis of an examination within said period a ~~physician~~ licensed independent practitioner duly licensed to practice ~~medicine and surgery~~ under Chapter 17 or 19 of Title 24 has

determined that the physical or mental disability remains under sufficient control to permit the person to operate a motor vehicle with safety to person and property. Except as provided below, if such certificate is not received by the Department, the Department shall suspend said license and shall notify its holder.

The above provision of this paragraph notwithstanding, if the person's treating ~~physician~~ licensed independent practitioner, duly licensed to practice ~~medicine and surgery~~ pursuant to Chapter 17 or 19 of Title 24, furnishes the Department with a certificate which states:

“(name of treating ~~physician~~ licensed independent practitioner) hereby certify that I am the treating ~~physician~~ licensed independent practitioner for (name of person), that I have been the treating ~~physician~~ licensed independent practitioner for him/her (name of person) for a period of at least 3 months, that I am aware of his/her (name of person's) medical history, including his/her (name of person's) history with respect to any disease of the central nervous system, that such person's disease no longer requires treatment and that such person can reasonably be expected to suffer no further losses of consciousness on account of such disease.”;

the Department may find that the person need no longer submit annual certificates of competence to operate a motor vehicle and shall notify the person accordingly. The Department may at its discretion retain medical consultants to advise it. No ~~physician~~ licensed independent practitioner who examines a person and provides a certificate in good faith in accordance with this paragraph shall be subject to any civil or criminal liability on account of having provided the certificate.

§ 2723. Medical Advisory Board.

(a) There shall be a Medical Advisory Board consisting of a minimum of 3 members nominated by the ~~President of the Medical Council of Delaware~~ Board of Medical Licensure and Discipline or the Chairperson of the Board and appointed by the Secretary. The Chairperson of the Board shall be the Medical Director of the Division of Public Health. The Board shall consult an ophthalmologist and an optometrist in all cases where a vision problem exists. The ophthalmological consultant shall be nominated by the ~~President of the Medical Council of Delaware~~ Board of Medical Licensure and Discipline or the Chairperson of the Board, and the optometric consultant shall be nominated by the ~~President of the Delaware Optometric Association~~ Board of Examiners in Optometry or the Chairperson of the Board. Both vision consultants shall be appointed by the Secretary.

§ 2724. Medical evaluation of drivers; suspension; review.

(b) If this report is not received within the 30 days or if a reasonable explanation for the delay is not received, the Secretary shall notify the individual that the individual's driving privilege has been suspended until such report is received

52 and evaluated. Upon receipt of the completed report, the Secretary shall forward this report to the Secretary of the
53 Department of Health and Social Services for review.

54 (c) The Secretary of the Department of Health and Social Services shall review the report to determine if the case
55 warrants ~~evaluation by~~ submission to the Medical Advisory Board. If the report gives no medical or optometric information
56 indicating impairment of any degree, the report shall be returned to the Secretary with the indication that there is no
57 apparent need for action based on medical impairment. If the information in the medical or optometric report warrants
58 review by the Board, a copy of the report shall be forwarded to each member of the Board for evaluation. In case of a vision
59 problem the report shall also be forwarded to the optometric and ophthalmological consultants.

SYNOPSIS

This Act does all of the following: (1) Allows for all licensed independent practitioners that are treating a driver for a medical condition to report findings which allows for Nurse Practitioner, Physician Assistant, or Physician to sign Division paperwork and mirrors verbiage found in Title 13; (2) Updates the name of Medical Council to Board of Medical Licensure and Discipline which ensures compliance with code in handling of individual cases; and (3) Changes the Secretary of Health and Social Services to Secretary of Transportation for determining the status of driver's license for individuals with a potential medical condition which allows for quicker response and ensures the confidentiality of a driver.