



TRI-VALLEY Help-line

January 2012

Tri-Valley receives many questions from area seniors, younger people with disabilities and caregivers and has created this monthly Help-line column to provide some assistance. We are also available five days a week to answer individual questions in person or on the phone. Our website is also available.

New Safe Driver Rules

Q: Does our state have new rules for elderly drivers?

A: Yes—but the new rules apply to all drivers---not just to seniors.

Last year a new state law took effect that allows certain health care providers and law enforcement officers to file a confidential report with the Registry of Motor Vehicles (RMV) on any driver who they have reasonable cause to believe “is not physically or medically capable of safely operating a vehicle.” This law was prompted by several high profile fatal accidents involving older drivers. The law says drivers who have “a cognitive or functional impairment” that will affect their ability to drive safely *may* be reported to the RMV. The key word is “may.” A doctor or a police officer does not have to file a report.

Elder rights groups fought to ensure that the reporting law would not just be used on older drivers. The new law states that reports of impaired drivers “shall not be made solely on the basis of age” or because of a diagnosis or condition. A report of an impaired driver must be based on observation and evidence.

Once a report is filed, the RMV, in consultation with medical experts, is required to conduct a review within 30 days to determine if the driver has the capacity to continue driving. The RMV can suspend a driver’s license if he or she is determined unable to drive safely.

After the bill became law, the state had to define what “cognitive or functional impairments” likely to affect a person’s ability to safely operate a motor vehicle meant. In early November, the Department of Public Health issued proposed new regulations defining “cognitive

impairment” as “any condition that impairs...attention, alertness, perception, comprehension, judgment, memory, or reasoning that may influence the physical action, reaction time, or other responses to understand and interact with the environment.” A “functional impairment” is “any symptom of a disease or medical condition that results in full or partial decrease in any or several sensory or motor functions,” which includes “peripheral sensation of the extremities, strength, flexibility, motor planning and coordination.”

Any cognitive or functional impairment that limits a person’s attention, or the ability to understand “the immediate driver context,” or to make appropriate decisions while driving, or “visuospatial processing,” or impairs their “strength, flexibility, reflexes, sensory perception and physical coordination,” is considered a “driving relevant” impairment.”

Finally, a driving impairment “is one not based solely on age or diagnosis of a medical condition or functional/cognitive impairments,” but is based on observation and evidence of the “actual effect of that condition” on a person’s ability to drive safely. The impairment must also be one that cannot be “sufficiently corrected or controlled” by medication, therapy, surgery or by some adaptive equipment or driving device.

These proposed regulations may be subject to further refinement, but elders should understand that they cannot lose their license simply because they have celebrated another birthday, and drivers will be able to appeal a decision to suspend their license.

Tri-Valley continues to be ready to assist you with other questions through its free information & referral HELP-LINE at (508) 949-6640 or 1-800-286-6640. You may also access Tri-Valley by E-mail: info@tves.org or visit the agency’s website at: www.trivalleyinc.org

Tri-Valley, Inc. is a private non-profit agency providing in-home and community based services in 25 Southern Worcester County towns. The agency receives funding from the Commonwealth of Massachusetts through the Executive Office of Elder Affairs and Federal financial support under the Older Americans Act furnished by the Central Massachusetts Agency on Aging and the Massachusetts Executive Office of Elder Affairs. Funds are also received from other public and private sources. All donations are welcome and memorials may be established. Marilyn L. Travinski is the executive director.

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