

What happens to your NYS driver's license after brain injury?

Rosamond Gianutsos, Ph.D.

Neuropsychologist

Certified Driver Rehabilitation Specialist (Assoc. of Driver Educators for the Disabled)

Cognitive Rehabilitation Services, 38-25 52nd St. Sunnyside, NY 11104

Dr. Gianutsos was a member of the NYS DMV's Medical Advisory Board which met in 1988-9 to review policy. She chaired the Subcommittee for the Elderly and Disabled Driver. She is not currently associated with the DMV. The information below represents her own views and, while every effort has been made to assure accuracy, not official DMV policy.

Whether you can drive safely is NOT what this is about: **If you have survived a brain injury and you want to drive again, first take the matter up with your doctors and therapists.**

What follows IS information about the NYS Department of Motor Vehicles' (DMV) rules and procedures concerning your driver's license. For the moment, we assume that you hold a valid NYS operators license to drive an ordinary private car. For trucks, buses and other commercial vehicles the rules are much stricter if you drive interstate.

Your license remains valid until it expires or DMV takes action to suspend or revoke it. Suspension and revocation actions can be taken for many reasons, including too many points for moving violations or involvement in a crash in which someone was killed. DMV can review your qualifications for licensure if they receive a complaint from another person, including a health care professional who is treating you. However, health care professionals are not encouraged to make reports as you can file a lawsuit for violation of your privacy: the law does not afford them immunity.

So the answer to the question of what happens to your license is, simply, nothing.

Well ... not quite.

An issue may come up when you renew your license depending on your answers to the questions which DMV asks all drivers on renewal (which are similar to the questions asked applicants for new licenses).

Your answers may trigger a request for medical

information and a review. The renewal form is the MV-2M. An older form (MV-2) dated 1/89 is still being distributed. A word to the wise: **interpret these questions literally and answer them honestly.** It is in your interests to inform the DMV about your status and to keep a copy of any records of your having done so. Should you have a serious accident, no one will be able to claim that you got, or kept, your license when you were not competent and should have known better.

What are the DMV license renewal questions?

◆ **Since you applied for a license, or since your last renewal was issued: Have you had, or are you being treated for, any of the following, or has a previous condition gotten worse?**

- ◆ **Convulsive disorder, epilepsy, fainting or dizzy spells, or any condition which causes unconscious**
- ◆ **Heart ailment**
- ◆ **Hearing impairment**
- ◆ **Lost use of leg, arm, foot, hand or eye**

A Review occurs if you answer "yes" to any of the questions.

What kind of health care provider can fill out the DMV forms? The form will often be quite specific. Usually a medical doctor who has treated you in the last 3 months will do; however, in cases of seizure disorders (recurring periods of unconsciousness) a

neurologist or neurosurgeon will be needed. The DMV may accept a report from a neuropsychologist or other qualified individual. Such a person should be prepared to explain why they are qualified, and this may add to the time it takes to resolve the matter.

The DMV has Medical Review unit (Medical Review Unit Driver Improvement Bureau New York State Department of Motor Vehicles Empire State Plaza Albany, NY 12228 518 474-0774) which has a medical consultant; however, there is no standing Medical Advisory Board.

If you require a medical report, the doctor will have to sign the following statement: *“the patient’s medical condition would not interfere with his/her safe operation of a motor vehicle.”*

Specific conditions

Vision

- ◆ If you can read at **20/40 or better** on an ordinary eye chart (with or without glasses), you meet DMV’s requirements. If you are aphasic (have language problems), you can have an eye doctor certify on a DMV form which the doctor usually can supply.
- ◆ If you have **lost the use of one eye**, you can still qualify to drive a car, but can not drive commercially.
- ◆ If your **acuity is between 20/40 and 20/70**, you must submit a report by an eye doctor. These are the only circumstances in which you will have to meet the DMV’s requirements for **visual field**: a span of what you can normally see with one eye (140 degrees, or almost 40% of the perimeter of a circle). If you have a **“homonymous hemianopia”** (don’t see one half of the field of view in each eye), you will NOT meet this standard. Strictly speaking, if your acuity is good, you could have tunnel vision and still qualify for a NYS license. This is an obvious **loophole in the regulations**. In many states and most of the rest of the world, you would not even be considered for a license with such a loss of vision. If you have a visual field problem or “neglect,” you will have a difficult time compensating, especially in busy, complex or new situations, or when you are tired or distracted. Most important, you are probably under-aware of your loss - you literally may not see any problem! ... not because you deny or

neglect it. The human nervous system normally fills in the gaps (which is only a problem when there are substantial gaps in the field of vision).

Any condition which causes unconsciousness

- ◆ This item used to be “Loss of consciousness” and is the one which often leads to medical review for people who were unconscious for a period of time following a head injury. Unless you have a seizure condition (see below), you may have your primary care physician fill out form MV80-U based on an examination performed within the last 120 days.

Seizures

- ◆ Officially, you must be seizure free for a year. In practice, the DMV may accept 6 months. The MV80-U form must be filled out by a board certified/eligible neurologist or neurosurgeon based on an examination performed within the last 120 days.

Tips:

- ◆ **Renew early** if you anticipate Medical Review. You can renew as much as 6 months before your license expires. Do not wait for DMV to send you renewal forms. The Medical Review process takes time, up to 6 weeks they estimate. If you have to supply further information, it’s another 6 weeks. Begin early and you won’t be grounded while they review it.
- ◆ **Renew late** if you need time to recover. You have up to 2 years following your license expiration to renew using ordinary procedures. While, during that year, you can not drive, you will not necessarily have to take a written or road test and be treated like a new driver.

Comment

Some people think it is shocking that doctors are not required to report people with conditions which might affect driving to DMV. This “mandatory reporting” exists in a handful of states and is inconsistently applied, like the 55 mph. speed limit. It forces your doctor to wear two hats: as your doctor and as an agent of the state. Some drivers would not seek treatment if they thought it might jeopardize their license. Given the right information, in an understandable form, the vast majority of drivers will, perhaps reluctantly, make the right decision.