

Medical Reporting by Occupational Therapists

New Medical Reporting Requirements effective July 1, 2018

Section 203 of the *Highway Traffic Act* (HTA) has been amended to include a mandatory/discretionary reporting model. Strengthening medical reporting requirements in the HTA will enhance road safety and will clarify which high risk conditions must be reported.

What the law requires

In Ontario, all drivers are required to meet basic medical and vision standards to operate a motor vehicle. Physicians, nurse practitioners and optometrists are required by law to report patients who have certain high risk medical conditions, functional impairments and visual conditions.

In addition, these professionals and occupational therapists have discretionary authority to report any condition that, in the opinion of the healthcare practitioner, may make it dangerous for a person to drive. OTs may choose to tick one of the mandatory conditions or report any other condition or impairment using the discretionary section of the form.

For more information, see Ontario's *Highway Traffic Act* (HTA), sections 203 and 204, and Ontario Regulation 340/94.

Submitting a Report

Occupational therapists are permitted to make a discretionary report without client consent if, in their opinion, the client's medical condition or functional impairment poses a risk to road safety. The authority to make discretionary reports prevails over any duty of confidentiality. The HTA provides protection from actions or proceedings brought against an occupational therapist for making a discretionary report when the report is made in good faith.

Reporting Form

The Ministry of Transportation has developed a standardized reporting form for healthcare practitioners to use when reporting potentially unfit patients.

The new form should be used for both mandatory and discretionary reports.

Download the form:

<http://www.mto.gov.on.ca/english/safety/medically-unfit-driver-physicians.shtml>

The Review Process

Once a medical report is received the ministry may

- Request additional information
- Suspend or downgrade driving privileges
- Approve (with or without a follow up report)

When a licence is suspended or when more information is required, your patient will receive a letter advising of what is required to reconsider their case.

Medical Standards

The ministry continues to assess driver fitness against national medical standards developed by the Canadian Council of Motor Transport Administrators.

These standards are used by licensing authorities across Canada to assess driver fitness and are the basis of the Canada/US medical reciprocity agreement for commercial drivers.

Patient's Appeal Procedures

Medical licence suspensions can be appealed to the *Licence Appeal Tribunal*. However, there is no appeal for suspensions for failing to meet vision standards. For more information on the appeal process your patient can call (416) 326-1356 or 1-888-444-0240 or visit: <https://tribunalsontario.ca/lat>.

Patient's Rights

The *Freedom of Information and Protection of Privacy Act* requires the ministry to provide your patient with a copy of any report if requested. It may be withheld only if there is evidence that its release would threaten the health or safety of you, the patient or another individual.

If you are concerned that the release of your report would threaten someone's health or safety, notify the ministry by checking the appropriate box on the reporting form.

Ministry of Transportation
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