

STATE OF NEW YORK

909

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CARROLL, DICKENS, WEPRIN, J. RIVERA, COOK --
Multi-Sponsored by -- M. of A. DAVILA -- read once and referred to the
Committee on Health

AN ACT to amend the public health law and the vehicle and traffic law,
in relation to requiring reporting of certain medical conditions to
the department of health and the department of motor vehicles

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

Section 1. The public health law is amended by adding a new article
20-B to read as follows:

ARTICLE 20-B

REPORTING OF IMPAIRING AILMENTS

Section 2020. Definitions.

2021. Physicians and facilities; duty to report.

2022. Contents of report.

2023. Reporting by motorist.

2024. Duties of commissioner.

§ 2020. Definitions. As used in this article:

1. "facility" shall mean any governmental or private agency, depart-
ment, institution, clinic, laboratory, hospital, nursing care facility,
health maintenance organization, association or other similar entity
that provides medical care.

2. "impairing ailment" shall mean any of the following: recurrent
convulsive seizures, recurrent period of unconsciousness or impairment,
or loss or impaired of motor coordination due to conditions such as, but
not limited to, epilepsy in any of its forms which persist or recur
despite medical treatment.

§ 2021. Physicians and facilities; duty to report. An attending physi-
cian or a person representing or employed by a facility as defined by
the commissioner shall report the existence of an impairing ailment to

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the department and the department of motor vehicles within twenty-four
2 hours of determining the existence of an impairing ailment.

3 § 2022. Contents of report. The report as set forth in section two
4 thousand twenty-one of this article shall be designated an impairing
5 ailment report and shall contain information which the commissioner
6 establishes as necessary to identify the patient suffering the impairing
7 ailment and investigate, including, but not limited to, the diagnosis,
8 current treatment, occurrence, frequency, incidence, cause, effect and
9 prognosis of the impairing ailment. The report shall also include if the
10 patient is suffering chronically from the impairing ailment such that it
11 is unsafe for such patient to operate a motor vehicle.

12 § 2023. Reporting by motorist. When the commissioner or the commis-
13 sioner of motor vehicles becomes aware, upon information received or as
14 a result of an investigation conducted, that a licensed driver or appli-
15 cant for a learner's permit or driver's license suffers or has suffered
16 from an impairing ailment, such commissioners may require from such
17 person:

18 1. A statement by the applicant or licensee of his or her history of
19 impairing ailments; and

20 2. Any other information which such commissioners may deem necessary
21 to evaluate the applicant's or licensee's qualification to operate a
22 motor vehicle.

23 § 2024. Duties of commissioner. The commissioner shall promulgate
24 rules and regulations to implement the provisions of this article,
25 including but not limited to:

26 1. defining a person representing or employed by a facility;

27 2. establishing the form, content and manner of filing the impairing
28 ailment report;

29 3. prescribing the permissible uses for the information made available
30 pursuant to this article;

31 4. establishing procedures to maintain the confidentiality of informa-
32 tion provided to persons pursuant to this article; and

33 5. establishing, in conjunction with the commissioner of motor vehi-
34 cles, a method for an attending physician or a person representing or
35 employed by a facility as defined by the commissioner to report to the
36 department and the department of motor vehicles the existence of an
37 impairing ailment.

38 § 2. Section 510 of the vehicle and traffic law is amended by adding a
39 new subdivision 12 to read as follows:

40 12. a. Where the commissioner has received an impairing ailment report
41 pursuant to article twenty-B of the public health law, if the report
42 shows that the impairing ailment is a chronic impairment to driving, the
43 commissioner may suspend the license of the person afflicted with the
44 impairing ailment.

45 b. Any person sixteen years of age or older who suffers or who has
46 suffered from recurrent convulsive seizures, recurrent periods of
47 impaired consciousness, or from impairment or loss of motor coordination
48 due to a condition such as, but not limited to, epilepsy, in any of its
49 forms, shall, as a prerequisite to the issuance of a learner's permit or
50 driver's license, renewal of a driver's license, restoration of a driv-
51 er's license, or retention of a driver's license, establish to the
52 satisfaction of the commissioner that he or she has been free from
53 recurrent convulsive seizures, recurrent periods of impaired consci-
54 ousness, or from impairment or loss of motor coordination for a period of
55 six months with or without medication and that he or she is physically
56 qualified to operate a motor vehicle.

1 c. If a driver's license or permit is denied, suspended, revoked, or
2 altered under this subdivision, the person has a right to appeal a deci-
3 sion of the commission. In order to appeal, a person must request a
4 formal hearing, in writing, from the commission within twenty-five days
5 of the decision. The request must include all disputed material facts
6 that the applicant/licensee or his or her attorney plans to raise at the
7 hearing. However, if the suspension or revocation of the license is a
8 result of a deadly accident, then the licensee has only ten days to
9 request a hearing and licensee has fifteen days in which to file an
10 exception to an adverse decision with the commission. The commission's
11 decision is final, and may be appealed to the supreme court appellate
12 division within forty-five days.

13 § 3. This act shall take effect immediately.