

# STATE OF NEW YORK

7902--A

## IN SENATE

March 8, 2018

Introduced by Sen. HAMILTON -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new article  
2 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:

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

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

20 § 2021. Physicians and facilities; duty to report. An attending physi-  
21 cian or a person representing or employed by a facility as defined by  
22 the commissioner shall report the existence of an impairing ailment to  
23 the department and the department of motor vehicles within twenty-four  
24 hours of determining the existence of an impairing ailment.

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

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1 § 2022. Contents of report. The report as set forth in section two  
2 thousand twenty-one of this article shall be designated an impairing  
3 ailment report and shall contain information which the commissioner  
4 establishes as necessary to identify the patient suffering the impairing  
5 ailment and investigate, including, but not limited to, the diagnosis,  
6 current treatment, occurrence, frequency, incidence, cause, effect and  
7 prognosis of the impairing ailment. The report shall also include if the  
8 patient is suffering chronically from the impairing ailment such that it  
9 is unsafe for such patient to operate a motor vehicle.

10 § 2023. Reporting by motorist. When the commissioner or the commis-  
11 sioner of motor vehicles becomes aware, upon information received or as  
12 a result of an investigation conducted, that a licensed driver or appli-  
13 cant for a learner's permit or driver's license suffers or has suffered  
14 from an impairing ailment, such commissioners may require from such  
15 person:

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

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

21 § 2024. Duties of commissioner. The commissioner shall promulgate  
22 rules and regulations to implement the provisions of this article,  
23 including but not limited to:

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

25 2. establishing the form, content and manner of filing the impairing  
26 ailment report;

27 3. prescribing the permissible uses for the information made available  
28 pursuant to this article;

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

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

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

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

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

55 c. If a driver's license or permit is denied, suspended, revoked, or  
56 altered under this subdivision, the person has a right to appeal a deci-

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

11 § 3. This act shall take effect immediately.