STATE OF NEW YORK

3407

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. CARROLL, DICKENS, MOSLEY, WEPRIN, RIVERA, BLAKE, D'URSO, 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 Assembly, 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, department, 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 physician 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.

LBD02400-01-9

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

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

§ 2023. Reporting by motorist. When the commissioner or the commissioner of motor vehicles becomes aware, upon information received or as a result of an investigation conducted, that a licensed driver or applicant for a learner's permit or driver's license suffers or has suffered from an impairing ailment, such commissioners may require from such person:

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

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

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

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

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

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

4. establishing procedures to maintain the confidentiality of information provided to persons pursuant to this article; and

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

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

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

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

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

§ 3. This act shall take effect immediately.