

JAN 18 2008

A BILL FOR AN ACT

RELATING TO REPORTS OF PERSONS WITH A DEMENTING ILLNESS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 286, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§286-~~ Reports on cognitive disorders. (a)

5 "Physician" means a doctor of medicine or osteopathy licensed to
6 practice under chapter 453 or 460.

7 (b) Every physician shall report immediately in writing to
8 the respective county examiner of drivers every patient age
9 fifteen years or older residing in that county whose dementing
10 illness affects that person's ability to safely operate a motor
11 vehicle. If a designated physician makes a report to the
12 examiner in good faith, that physician shall be immune from
13 civil liability that might otherwise result from making the
14 report. If a designated physician does not make a report, that
15 physician shall be immune from civil liability that might
16 otherwise result from not making the report.

17 (c) A temporary working group, consisting of the director
18 of transportation, the four county examiners of drivers, and



1 medical and dementia experts appointed by the director of
2 transportation, is hereby established. The working group shall
3 make recommendations regarding the administrative rules for
4 physician reporting. Drawing from these recommendations, the
5 director of transportation shall:

6 (1) Adopt rules under chapter 91 to:

7 (A) Implement the reporting requirements established
8 by this section;

9 (B) Specify whether all or only certain physicians
10 (e.g., surgeons, psychiatrists, those qualified
11 to treat disorders of the nervous system) are
12 required to report to the examiners of drivers a
13 person whose dementing illness affects that
14 person's ability to safely operate a motor
15 vehicle;

16 (2) Define dementing illnesses based upon existing
17 clinical standards and include Alzheimer's disease and
18 those related disorders severe enough to be likely to
19 impair a person's ability to operate a motor vehicle
20 in the definition; and

21 (3) Develop guidelines designed to enhance the monitoring
22 of patients affected with disorders specified pursuant



1 to this subsection in order to assist with the
2 patients' compliance with restrictions imposed by the
3 examiner of drivers on the patients' licenses to
4 operate a motor vehicle.

5 (d) Determinations regarding a person's ability to safely
6 operate a motor vehicle shall be based upon the actual effect of
7 that condition on the person's ability to operate a motor
8 vehicle, and may not be based solely upon the diagnosis of a
9 medical condition.

10 (e) Physician reports as required by the examiners of
11 drivers under this section shall be upon forms prescribed or
12 provided by the department of transportation, with input from
13 the working group. Each report shall include the person's name,
14 address, date of birth, sex, and description of how the person's
15 current medical status affects the person's ability to safely
16 operate a motor vehicle. These reports shall be for the
17 information of the department of transportation and examiners of
18 drivers in enforcing highway safety laws and shall be kept
19 confidential and used solely for the purpose of determining the
20 eligibility of any person to operate a motor vehicle on the
21 highways of the State."

22 SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

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Report Title:

Drivers' Licenses; Dementing Illness; Alzheimer's; Physician Reporting

Description:

Requires physicians to report to county examiners of drivers the name of every patient diagnosed as having a dementing illness, including Alzheimer's disease.

