

POLICY STATEMENT

The ACBHCS acknowledges the California laws pertaining to reporting of dementing conditions and lapses of consciousness. These laws are intended for purposes of highway safety and driver protection. These reports are used by the Department of Motor Vehicles to evaluate the driving competence of persons so reported. Reporting does not necessarily mean that driving privileges will be curtailed.

This policy is intended to assist ACHBCS employees in implementing this law. This policy applies to all programs: Adult and Child, Inpatient and Outpatient, Direct Service and CE&I, County-Operated and Contracted, except that contractors may submit alternative policies designed to accomplish the same purpose for approval by ACBHCS Administration.

The statutory basis for this requirement is set forth in Title 17 of the California Code of Regulations (CCR), formerly the California Administrative Code, Section 2572 (as amended in 1990, attached).

PROCEDURE

1. Who Reports?

Only physicians are mandated to report. Non-physicians who become aware of clients with reportable conditions are encouraged to bring these to a physician's attention, however, non-physicians may not directly report under terms of this policy due to lack of liability protection under State law.

2. Reportable Conditions

State law requires physicians to report:

- A. Clients who have had one or more lapses of consciousness due to metabolic, neurological, or any other condition which may bring about lapses.
- B. Clients with probable Alzheimer's disease and related disorders.
- C. The functional impairments as well as the clinical diagnosis must be reported in cases of Alzheimer's disease and related conditions.

For purposes of complying with this law, please note that the finding that a patient has a dementing condition is more important than the type of dementia per se.

Functional Impairments include:

- Progressive deficits of memory
- Impaired orientation to time or space

- Impaired judgment
- Retarded reactivity to external stimuli
- Episodes of market confusion

3. How to Report

Reportable conditions are to be reported on the Confidential Morbidity Report card (PM 110 and its subsequent revisions) issued by the State of California Department of Health Services.

Confidential Morbidity report cards are available through the Alameda County Communicable Disease Director and may be requested in writing to the Communicable Disease Division, 499 Fifth Street, Oakland, California, 94607 or by calling 510-268-2646.

Please note that there is no box to check for dementing conditions on the back of the card. All required information should be written on Side One on the box labeled "DISEASE." The reporting physician should indicate what appear to be the client's most significant functional impairments that could compromise safe driving. The "REMARKS" box on Side Two may also be used for this purpose.

The patient must be informed of this report and, within the bounds of the patient's rights to privileged communication and their need to know, family members should also be informed.

These reports are to be sent to the Alameda County Health Department, Communicable Disease Division, 499 Fifth Street, Oakland, California 94607 or QIC 21945. That office will, in turn, forward the information to the State Department of Motor Vehicles, except in cases of AIDS-related dementias, which will be kept on file within the Health Department. The DMV must release reported information to the individual designated in the report if it is used as a basis for action against the person's driver's license. The DMV may not disclose to others any information related to physical or mental conditions.

4. Legal Considerations

Physicians reporting in accordance with CCR, Section 2572 are protected against liability associated with the release of confidential information. This protection is not available to anyone other than physicians.

The State Department of Health notes that failure to report dementing conditions or lapses of consciousness may lead to physical liability if the patient becomes involved as a driver in a motor vehicle accident. It could also become grounds for disciplinary action against the physician's license to practice medicine.

5. When to Report

Mandated reports must be made as soon as is practically possible after becoming aware of the reportable condition. Note that reporting **The Functional Impairment** must be made if terms of CCR Section 2572 are met, whether **or not a specific diagnosis has been confirmed**. The State Department of Health Services advises that reports on institutionalized patients should be made prior to discharge.

6. Documentation

The physician reporting the condition shall make a note to that effect in the relevant clinical record(s), progress note section, within three working days of submitting the report. The note shall be clearly labeled "**Report of Dementing Condition.**"

Documentation is useful in reducing the risk of liability and in avoiding unnecessary multiple reports. Once a patient with a reportable condition is reported, there is no obligation to report again. However, please note that all physicians, including emergency physicians, or persons with brief contact, are mandated to report unless they have reason to believe that the patient has been previously reported for the identified condition.

7. Further Information

Further information is available through the California Alzheimer's Disease Program, California Department of Health Services, 1800 Third Street, Suite 100, Post Office Box 942732, Sacramento, California, 94234-7320. The telephone number is 916-327-4662.

Another source of information is the Driver Safety Policy and Legislation Unit, California Department of Motor Vehicles, Post Office Box 932345, Sacramento, California, 94232-3450. The phone number is 916-732-7488.

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