

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency: Transportation

(2) Agency Number:

Identification Number: 18-465

IRRC Number: 3096

(3) PA Code Cite: 67 Pa. Code, Chapter 83

(4) Short Title: Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact:

Kara N. Templeton, Director
Bureau of Driver Licensing
P.O. Box 68676
Harrisburg, Pennsylvania 17106-8676
(717) 787-4701
ktempleton@pa.gov

Secondary Contact:

Laura Krol, Acting Manager
Driver Safety Division, Bureau of Driver Licensing
P.O. Box 68676
Harrisburg, Pennsylvania 17106-8676
(717) 787-2977
lkrol@pa.gov

(6) Type of Rulemaking (check applicable box):

- Proposed Regulation
 Final Regulation
 Final Omitted Regulation

- Emergency Certification Regulation;
 Certification by the Governor
 Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The purpose of these amendments is to update the medical requirements and standards for license holders that are being treated for brain disease, cognitive impairment or a mental/emotional disorder.

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(8) State the statutory authority for the regulation. Include specific statutory citation.

Authority for this regulation is contained in Sections 1504, 1508, 1508.1, 1517, 1518, 1519 and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa. C.S. §§ 1504, 1508, 1508.1, 1517, 1518, 1519, and 6103) .

(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While the Department is authorized by various provisions of the Pennsylvania Vehicle Code to promulgate regulations that set the minimum medical qualifications to obtain and maintain various classes of driver licenses, this particular regulatory package is not mandated by any federal or state law or court order or federal regulations.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

These amendments will impact drivers being treated for brain disease, cognitive impairment or a mental or emotional disorder. These proposed regulatory amendments reflect consultation with the Department's Medical Advisory Board and are consistent with existing medical practices and improved technology relative to the care and treatment of individuals diagnosed with brain disease, cognitive impairment or a mental/emotional disorder. The compelling public interest behind this regulatory package is the safety of all motorists, which is met through proactively defining and clarifying those medical conditions that significantly impair an individual's ability to operate a motor vehicle.

(11) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No. There are no applicable federal standards governing the state's licensing of drivers.

(12) How does this regulation compare with those of the other states? How will this affect Pennsylvania's ability to compete with other states?

These regulations are comparable to other states' and federal standards. These amendments to the regulation will not put Pennsylvania at a competitive disadvantage with reference to other states.

(13) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

These amendments to the regulation will not affect other Department regulations or the regulations of any other Commonwealth agency.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. ("Small business" is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

These amendments to the regulation are a result of consultation with the Department's Medical Advisory Board and are consistent with existing medical practices and improved technology relative to the care and treatment of individuals diagnosed with brain disease, cognitive impairment or a mental or emotional disorder. The Department worked with the psychiatrist serving on the Medical Advisory Board and a neuropsychologist who served on the board as an Auxiliary Member to review and formulate the amendments to the regulation for license applicants and license holders. These amendments to the regulation were approved by the full Medical Advisory Board.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

Individuals holding or seeking to hold a Pennsylvania driver license, as well as certain health care providers, will be required to comply with these amendments to the regulation; however, they are already required to comply with the current standards.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Individuals holding or seeking to hold a Pennsylvania driver license, as well as certain health care providers, will be required to comply with these amendments to the regulation; however, they are already required to comply with the current standards. There are approximately 8.84 million licensed drivers in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being licensed because of a condition covered by these regulatory amendments.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

There should be no significant, additional financial, economic, and social impacts of these amendments to the regulation on drivers or health care providers as they must comply with the current standards. The benefits consist principally of altering the brain disease, cognitive impairment and mental or emotional disorder standards, per the recommendation of the Department's Medical Advisory Board, to better reflect current medical standards and terminology. To the extent that an additional amount of drivers are prohibited from operating a motor vehicle, there may be additional financial, economic and social impacts to those individuals; however, any impact or inconvenience is outweighed by the stated goal and social impact of this regulatory package—the overall safety of the motoring public.

While additional, prospective or current licensees may not be able to meet the altered medical standards, the Department has provided waiver provisions under certain circumstances in these amended regulations to allow the affected potential or current licensees to demonstrate their ability to drive despite their failure to meet the brain disease, cognitive impairment and mental or emotional requirements. These waiver provisions thus strike a balance between the public need to assure that only drivers that meet these standards are licensed to drive in the Commonwealth against an individual licensee's or potential licensee's desire for a license.

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

Adjusting the brain disease, cognitive impairment, and mental or emotional standards, in accord with the Department's Medical Advisory Board recommendations and most current medical standards, will better ensure that only medically qualified individuals are licensed to drive by the Department. The benefit to all motorists, which is achieved through proactively defining and clarifying those medical conditions that significantly impair an individual's ability to operate a motor vehicle, outweighs any potential costs that arise out of a potential increase in the number of prospective or current licensees that may not be able to meet the altered medical standards. While the Department is sensitive to potentially impacted licensees, it has developed a waiver procedure and taken other measures to ensure that this regulation reflects the most up-to-date medical information that is applied in furtherance of ensuring the overall safety of the motoring public.

(19) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The costs and/or savings to the regulated community cannot be calculated because the exact number of drivers who will be impacted by the regulatory changes is unknown at this time. Likewise, it is difficult, if not impossible, to quantify the cost impact to licensees that may be impacted. The amendments may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

(20) Provide a specific estimate of the costs and/or savings to the **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

No costs and/or savings to the local governments are anticipated.

(21) Provide a specific estimate of the costs and/or savings to the **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

No costs and/or savings to the state government are anticipated.

(22) For each of the groups and entities identified in items (19)-(21) above, submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

A statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements is untenable given the unquantifiable nature of the groups and entities involved.

(23) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						

Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(23a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
Medical Reporting Program	\$907,296.28	\$762,191.52	\$1,056,901.51	\$913,093.51 (As of 5/15/2014)

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

These amendments set brain disease, cognitive impairment and mental or emotional disorder standards for individuals licensed to operate a motor vehicle. There are approximately 8.84 million licensed drivers in Pennsylvania. It is not known what percentage of these may have a condition that would be impacted by these regulatory changes. It is also not known how many individuals might be precluded from being licensed because of a condition covered by these regulatory amendments.

a) The regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted include small businesses that employ drivers impacted by these regulations or small business owned by health care entities or personnel, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The number of such businesses is unknown. However, the health care personnel noted in § 1518(b) already have reporting requirements pursuant to § 1518(b).

b) The amendments do not impose any additional reporting, recordkeeping or other administrative

costs or requirements on businesses large or small as they relate to individuals; they do not have any adverse impact on small businesses. Health care personnel as noted above may be required to report an increased number of individuals under this standard, but they currently already have reporting requirements.

c) The regulation covers individual drivers, not businesses. The only small businesses that might be directly impacted include small businesses that employ drivers impacted by these regulations or small business owned by health care entities or personnel, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The number of such businesses is unknown. However, the health care personnel noted in § 1518(b) already have reporting requirements pursuant to § 1518(b).

d) There is no less intrusive or less costly way to achieve the purpose of these proposed amendments, which is to keep the Commonwealth's roadways safe by providing rigorous but reasonable health qualifications for drivers.

(25) List any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, the elderly, small businesses, and farmers.

No special provisions were developed to meet the particular needs of affected groups or persons, although waiver provisions are in place for certain conditions.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

There were no alternative regulatory provisions considered. These amendments to the regulation merely update existing requirements for drivers based on recommendations from the Department's Medical Advisory Board.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

a) As noted above, the regulation covers individual drivers, not businesses. The only small

businesses that might be directly impacted are small businesses of unknown quantity with drivers subject to these amendments and health care entities qualifying as small businesses, to the extent such personnel have to report an increased number of individuals pursuant to 75 Pa.C.S. § 1518(b). The establishment of less stringent compliance or reporting requirements for small businesses would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business. In the case of health care professionals, such an accommodation would likely require a statutory change, as 75 Pa.C.S. § 1518 mandates health care personnel reporting.

b) The proposed amendments to the regulations do not impose additional schedules or deadlines. To the extent there are schedules or deadlines imposed for health care personnel to report medical conditions, they are statutorily-based (75 Pa.C.S. § 1518 requires reporting under certain circumstances within 10 days).

c) See the response to subsection (a) above. The consolidation or simplification of compliance or reporting requirements for small businesses is not possible.

d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation is not a practical possibility in view of the need to have a uniform regulatory scheme based on the most up-to-date medical practices.

e) The exemption of small businesses from all or any part of the requirements contained in the regulation would run contrary to the guidance provided by the Department's Medical Advisory Board, which has based its recommendations on the most up-to-date medical standards. Moreover, it would be unsafe, inappropriate and discriminatory to impose less strict medical requirements on impacted parties just because they are employed by a small business.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for these amendments to the regulation.

(29) Include a schedule for review of the regulation including:

A. The date by which the agency must receive public comments: 07/15/14

B. The date or dates on which public meetings or hearings will be held: N/A

C. The expected date of promulgation of the proposed

regulation as a final-form regulation:	<u>10/15/14</u>
D. The expected effective date of the final-form regulation:	<u>10/15/14</u>
E. The date by which compliance with the final-form regulation will be required:	<u>10/15/14</u>
F. The date by which required permits, licenses or other approvals must be obtained:	<u>N/A</u>

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

PennDOT's Medical Advisory Board meets semiannually and will review and discuss the medical regulations contained in Chapter 83 periodically to ensure that the minimum standards are consistent with current medical standards and testing requirements and continually monitor their effectiveness.

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**FACE SHEET
FOR FILING DOCUMENTS
WITH THE
LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality.
Attorney General

BY *Wesley J. White*
(Deputy Attorney General)

APR 17 2015

Date of Approval

Check if applicable
Copy not approved. Objections attached.

Copy of below is hereby certified to be true and
correct copy of a document issued, prescribed or
promulgated by:

Department
of
Transportation
(Agency)

DOCUMENT/FISCAL NOTE NO. 18-465

DATE OF ADOPTION _____

BY *Army J. Ichniowski*
Secretary of Transportation

Copy below is hereby approved as to
form and legality. Executive or
Independent Agencies.

BY *[Signature]*

4/6/15

(Date of Approval)

(Deputy General Counsel)
(~~Chief Counsel, Independent Agency~~)
(Strike Inapplicable Title)

Check if applicable. No attorney
General Approval or Objection within
30 days after submission.

Original

NOTICE OF PROPOSED RULEMAKING

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

SUBPART A. VEHICLE CODE PROVISIONS

ARTICLE IV. LICENSING

**CHAPTER 83. PHYSICAL AND MENTAL CRITERIA INCLUDING VISION
STANDARDS RELATING TO THE LICENSING OF DRIVERS**

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

**Chapter 83. Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing of Drivers**

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Transportation, pursuant to the authority contained in Sections 1504, 1508, 1508.1, 1517, 1518, and 6103 of the Vehicle Code, Act of June 17, 1976, P.L. 162, No. 81, *as amended* (75 Pa.C.S. §§ 1504, 1508, 1508.1, 1517, 1518, and 6103), proposes to amend Chapter 83 of the Department of Transportation Regulations, Title 67, as set forth in Annex A to this Notice.

Purpose of Chapter

The purpose of Chapter 83 is to set forth physical and mental criteria, including vision standards, for the licensing of drivers, formulated by the Medical Advisory Board pursuant to Sections 1517 and 1518 of the Vehicle Code (75 Pa.C.S. §§ 1517 and 1518). In addition to their use by the Department in connection with its responsibilities under the Vehicle Code, these physical and mental criteria are to be used by medical providers in conducting physical examinations of applicants for learner permits and driver licenses, and by physicians and other persons authorized to diagnose and treat disorders and

disabilities covered in Chapter 83 to determine whether a person should be reported to the Department as having a disorder affecting the ability of the person to drive safely.

Purpose of the Proposed Amendments

The purpose of these amendments to Chapter 83 is to update the medical requirements and standards for license holders that have brain disease, cognitive impairment or a mental or emotional disorder. Since medical testing and treatment methods continue to evolve, the Department is updating its minimum standards to ensure that only drivers that are in stable condition are licensed to operate a motor vehicle.

These regulations reflect consultation with the Department's Medical Advisory Board, as required by 75 Pa.C.S. §§ 1517 and 1518. The Medical Advisory Board, after having conducted in-depth reviews and discussions, has determined that these regulations require amendment to make them consistent with existing medical practice and improved technology.

Summary of Significant Amendments

Section 83.2 (Definitions) has been amended to add the following terms: Brain Disease, Cognitive Functions, Dementia, Mental or Emotional Disorder, Neurologist, Psychiatrist, and Psychologist.

Section 83.5(a)(5) relating to the general disqualifications has been added to disqualify individuals that have a moderately severe cognitive impairment.

Section 83.5(b)(5) is being amended to authorize the disqualification by a health care provider anyone that has brain disease, cognitive impairment or a mental or emotional disorder that may impair his/her ability to drive safely and that is manifested by one or more of the following symptoms: inattentiveness to driving; inclination toward suicide beyond mere contemplation; excessive aggressiveness, impulsivity, or disregard for the safety of self or others or both presenting a clear and present danger regardless of cause; and any signs of Alzheimer's disease or dementia in Stage 3 or greater.

Section 83.5(b)(5)(ii) is being added to authorize a waiver from disqualification providing that in the health care provider's opinion the individual's condition has stabilized and symptoms are not likely to recur.

Section 83.5(c) is being amended to include every condition listed in Section (b) and also includes the provision to require a knowledge test when appropriate. In addition, Section 83.5(c) is being amended to add the requirement for an individual who has any of the conditions described in Section 83.5(b) to submit results of a satisfactory assessment of cognitive and/or emotional functioning conducted by a psychiatrist, neurologist, or licensed psychologist. In addition to the assessment the individual shall successfully complete the knowledge test and on-road driving evaluation initially and every 12 months thereafter.

Persons and Entities Affected

These regulations affect all persons qualified or intending to be qualified to drive and health care providers.

Fiscal Impact

Implementation of these regulations will not require the expenditure of any additional funds by the Commonwealth or local municipalities. These regulations will not impose any additional costs on the medical community and may reduce costs by providing clearer medical criteria and thus reduce unnecessary reporting by physicians and the need for follow-up medical examinations for drivers.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, Act of June 25, 1982 (P.L. 633, No. 181), *as amended*, 71 P.S. 745.5(a), the agency submitted a copy of this proposed regulation on April 29, 2015 to the Independent Regulatory Review Commission and to the Chairpersons of the House and Senate Transportation Committees. In addition to submitting these regulations, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under Section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Act specified detailed procedures for review, prior to final publication of the regulation, by the

Department, the General Assembly and the Governor of comments, recommendations or objections.

Sunset Provisions

The Department of Transportation will make these regulations effective upon publication in final form following appropriate evaluation of any comments, suggestions or objections received during the period allowed for public comment. The Department is not establishing a sunset date for these regulations, as the regulations are needed to administer provisions required pursuant to the Vehicle Code (75 Pa. C.S. § 101, *et seq.*). The Department, however, will continue to closely monitor these regulations for their effectiveness, in coordination with its Medical Advisory Board.

Public Comments

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the regulations to Kara N. Templeton Director, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania 17106-8676 or to ktempleton@pa.gov within thirty days of the publication of this notice in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions about the proposed amendments to the regulations is Laura Krol, Acting Manager, Driver Safety Division, Department of

Transportation, Bureau of Driver Licensing, P.O. Box 68676, Harrisburg, Pennsylvania
17106-8676, telephone number: (717) 787-2977, email: lkrol@pa.gov.

Barry J. Schoch, P.E.
Secretary of Transportation

ANNEX A

Title 67. Transportation

Part I. Department of Transportation

Subpart A. Vehicle Code Provisions

Article IV. Licensing

Chapter 83. Physical and Mental Criteria, Including
Vision Standards Relating to the Licensing of Drivers

Notice of Proposed Rulemaking

§ 83.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Brain Disease – A condition of the brain that may impair important functions such as memory, speech, vision, spatial perception, strength or coordination of movement, and cognitive functions.

* * * * *

Cognitive Functions – human abilities such as speech and language, complex levels of perception, attention, reasoning, judgment, reading and writing, and several types of memory.

* * * * *

Dementia – Brain diseases, including but not limited to Alzheimer’s disease and vascular dementia, that are characterized by deficits in multiple cognitive functions. In the early stages, it can manifest as absentmindedness or forgetfulness; however, as the condition progresses, symptoms become more numerous and more severe. The stages of dementia, as defined by the Alzheimer Association, are:

Stage 1 – No impairment

Stage 2 – Very mild cognitive decline

Stage 3 – Mild cognitive decline

Stage 4 – Moderate cognitive decline

Stage 5 – Moderately severe cognitive decline

Stage 6 – Severe cognitive decline

Stage 7 – Very severe cognitive decline

* * * * *

Mental or Emotional Disorder – A condition, whether organic or without known organic cause (as described and defined in the current Diagnostic and Statistical Manual of Mental Disorders (DSM), including its Introduction or International Classification of Diseases (ICD)) manifested by important symptoms and functional changes, such as psychosis (often with hallucinations or delusions), excessive anxiety, severe mood swings (mania and severe depression). Some mental disorders cause poor judgment, excessive aggressiveness, suicidal thinking, or other behaviors that might affect driving performance.

Neurologist – A licensed physician who is Board eligible or Board certified in neurology.

* * * * *

Psychiatrist -- A licensed physician who is Board eligible or Board certified in psychiatry.

Psychologist -- a person licensed as a psychologist.

* * * * *

§ 83.5. Other physical and medical standards.

(a) *General disqualifications.* An [person] individual who has any of the following conditions will not be qualified to drive:

* * * * *

(5) Brain disease resulting in a moderately severe cognitive impairment, including but not limited to individuals diagnosed with Stage 5, 6 or 7 Alzheimer's disease or dementia.

(b) *Disqualification on provider's recommendation.* An [person] individual who has any of the following conditions will not be qualified to drive if, in the opinion of the provider, the condition is likely to impair the ability to control and safely operate a motor vehicle:

* * * * *

(5) Brain disease, cognitive impairment, Mental or Emotional [d]Disorder(s)[, whether organic or without known organic cause, as described in the current Diagnostic and

Statistical Manual of Mental Disorders (DSM) published by the American Psychiatric Association, 1700 18th Street NW, Washington, DC 20009, especially as] that are manifested by the symptoms set forth in (i) (A) - (D) below. While signs or symptoms of mental disorder may not appear during examination by the health care provider, evidence may be derived from the [person's]individual's history as provided by [self]the individual or others familiar with the [person's]individual's behavior.

(i) An individual will be disqualified if the individual has an:

- (A) Inattentiveness to the task of driving because of, for example, preoccupation, hallucination or delusion.
- (B) [Contemplation of suicide]Inclination towards suicide that goes beyond mere contemplation of suicide.
- (C) Excessive aggressiveness, impulsivity, or disregard for the safety of self or others or both, presenting a clear and present danger, regardless of cause.
- (D) Any signs of Alzheimer's disease or dementia in Stage 3 or greater.

(ii) An individual diagnosed with a Mental or Emotional Disorder and who has manifested one or more of the symptoms described in (i)(A)-(D) above may receive a waiver from disqualification provided that in the treating health

care provider's opinion, the individual's condition has stabilized and the symptoms are unlikely to recur.

(A) Provided the treating health care provider determines that the individual's condition remains under good control, additional examinations will not be required.

(B) The treating health care provider may recommend further testing and even disqualification if the symptoms described in (i)(A)-(D) above recur.

* * * * *

(c) *Driving examination and submission of medical information.* A person who has any of the conditions enumerated in subsection (b)[(1), (2), (3) or (8)] may be required to undergo a knowledge test and/or a driving examination to determine driving competency, if the Department has reason to believe that the person's ability to safely operate a motor vehicle is impaired. The person may be restricted to driving only when utilizing appropriate adaptive equipment. A person who has any of the conditions described in subsection (b)(5) shall submit results of a satisfactory assessment of cognitive and/or emotional functioning conducted by a psychiatrist, neurologist, or licensed psychologist. In addition to the assessment, the knowledge test and on-road driving evaluation shall be successfully completed initially and then every 12 months thereafter.



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

April 29, 2015

David Sumner, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, Pennsylvania 17101

Re: Proposed Rulemaking
18-465 — 67 Pa. Code, Chapter 83
Physical and Mental Criteria, Including Vision Standards Relating to the
Licensing of Drivers

Dear Mr. Sumner:

Enclosed please find a copy of the Face Sheet, Preamble, Annex A and Regulatory Analysis Form, for amendments to Chapter 83 of the Department of Transportation's (Department) regulations which the Department intends to adopt in accordance with the provisions of Section 5 of the Regulatory Review Act, Act of June 25, 1982, P.L. 633, *as amended*.

Copies of these materials were also delivered today to the Legislative Reference Bureau and to the majority and minority chairpersons of the Pennsylvania House and Senate Transportation Committees.

The Department will provide the Independent Regulatory Review Commission with any assistance required to facilitate a thorough review of this regulation. Thank you for your attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey M. Spotts".

Jeffrey M. Spotts,
Regulatory Counsel

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: #18-465
 SUBJECT: Physical and Mental Criteria Including Vision Standards Relating to the
 Licensing of Drivers
 67 Pa. Code, Chapter 83
 AGENCY: Department of Transportation

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

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FILING OF REGULATION

<u>DATE</u>	<u>SIGNATURE</u>	<u>DESIGNATION</u>
4/29/15	 for Majority Chair Hon. John Taylor	HOUSE COMMITTEE ON TRANSPORTATION
4-29-15	 for Minority Chair Hon. William F. Keller	
4/29/15	 for Majority Chair Hon. John C. Rafferty, Jr.	SENATE COMMITTEE ON TRANSPORTATION
4/29/15	 for Minority Chair Hon. John N. Wozniak	
	N/A	OFFICE OF ATTORNEY GENERAL
4/29/15	 K. Cooper	INDEPENDENT REGULATORY REVIEW COMMISSION
4/29/15	 Corinne Inant	LEGISLATIVE REFERENCE BUREAU
Date:	April 29, 2015	