

# Who is Fit to Drive? Amended Legislation Expands and Clarifies Medical Reporting Requirements

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In Ontario, all drivers are required to meet basic medical and vision standards in order to operate a motor vehicle. Physicians and optometrists have long been required by law to report certain persons who suffer from conditions that may make it dangerous for that person to operate a motor vehicle.

On July 1, 2018, amendments to the medical reporting requirements under the Highway Traffic Act and associated regulations came into effect. The amendments bring a number of significant changes to the reporting regime, including the addition of nurse practitioners and occupational therapists and the clarification of medical conditions that require reporting.

## Notable Changes

Firstly, nurse practitioners are now included alongside physicians and optometrists in the list of "prescribed persons" with mandatory reporting requirements.

Secondly, the amendments include a fairly broad list of prescribed medical conditions, functional impairments, and visual impairment that nurse practitioners and physicians must report. These prescribed conditions include certain cognitive impairments, sudden incapacitations, motor or sensory impairments, visual impairments, substance abuse disorders, and psychiatric illnesses. Optometrists are only required to report with respect to visual impairments. Previously, mandatory reporting obligations were merely based on the subjective opinions of practitioners that a person was suffering from a condition "that may make it dangerous for the person to operate a motor vehicle."

The amendments also create a completely new category for discretionary reporting, whereby prescribed persons which include physicians, nurse practitioners, optometrists, and occupational therapists (OTs), may report a person who "in the opinion of the prescribed person, has or appears to have a medical condition, functional impairment or visual impairment that may make it dangerous for the person to operate a motor vehicle." The amendments therefore make it mandatory for nurse practitioners, physicians, and optometrists to report impairments on the prescribed list of conditions,

but discretionary for the above listed practitioners and OTs to report illnesses arising from any other type of condition.

New, standardized reporting forms have also been introduced. Physicians, nurse practitioners, and OTs must use the two-page

By

[Anna Marrison](#), [Elizabeth Creelman](#)

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Centennial Place, East Tower  
520 3rd Avenue S.W.  
Calgary, AB, Canada  
T2P 0R3

T 403.232.9500  
F 403.266.1395

#### Ottawa

World Exchange Plaza  
100 Queen Street  
Ottawa, ON, Canada  
K1P 1J9

T 613.237.5160  
F 613.230.8842

#### Vancouver

1200 Waterfront Centre  
200 Burrard Street  
Vancouver, BC, Canada  
V7X 1T2

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F 604.687.1415

#### Montréal

1000 De La Gauchetière Street West  
Suite 900  
Montréal, QC, Canada  
H3B 5H4

T 514.954.2555  
F 514.879.9015

#### Toronto

Bay Adelaide Centre, East Tower  
22 Adelaide Street West  
Toronto, ON, Canada  
M5H 4E3

T 416.367.6000  
F 416.367.6749

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