

Driving and Dementia—Missouri

When a person is diagnosed with dementia, the individual and family members tend to struggle with challenges from medical care to financial and legal matters. Of all of these concerns, driving is a common and difficult area to address.

Persons with Alzheimer's will eventually be unable to drive a car. Changes in perception, reaction time, impaired judgment, along with memory loss may work together to make driving hazardous.

A diagnosis of Alzheimer's does not necessarily mean the person has lost the ability to drive. However, plans should be made for the inevitable retirement from driving. Potential safety considerations should be weighed against the need for independence and autonomy. It's a difficult situation and one that must be individualized for each person, based on dementia severity and the presence of driving impairment.

People with early stage Alzheimer's and their loved ones are encouraged to discuss this issue, before driving becomes a major concern. People with early stage Alzheimer's should consider making an agreement with their family to give up driving at a certain point. They should also work with their friends and family to create a transportation plan that meets their needs.

Warning Signs

Alzheimer's, on its own, is not a sufficient reason to terminate driving privileges. Persons are now being diagnosed in the very early stages when only short-term memory is affected. Instead, the main factor in withdrawing driving privileges should be the person's driving ability.

Warning signs of problems include:

- Incorrect signaling
- Trouble navigating turns
- Moving into a wrong lane
- Confusion at exits
- Driving at inappropriate speeds
- Increased agitation or irritation while driving
- Getting lost in familiar places
- Scrapes or dents on the car, garage, or mailbox
- Near misses, accidents
- Not scanning for other cars in traffic

Transitioning from Driver to Passenger

Persons with early stage dementia should realize there may come a time when they can't make the best decisions for the safety of others and themselves. Planning and communication are important. To prepare for these discussions, imagine what it would be like if you had to stop driving. Driving represents independence, and its loss can be difficult to accept.

Encourage the person to voluntarily stop driving:

Drive, or arrange for someone to provide transportation. Reassure the person they will be able to reach their routine destinations. Offer alternative forms of transportation

Solicit the support of others

A *driving rehabilitation specialist* can assist with a driving assessment. These individuals (often occupational therapists) are often based at hospitals or rehabilitation centers, and have expertise in on-the-road testing. Ask the *physician* to speak with the individual and issue a prescription requiring the person to quit driving or to get a driving assessment. *Care managers, lawyers, and financial planners* can also discuss their concerns about safety. The best course of action for caregivers is to communicate openly and frequently with their loved ones, and seek assistance from professionals. If the person with dementia still insists on driving even if he or she poses a hazard, these are several *additional options* to consider:

- Control access to the car keys
- Replace the keys with a set that won't start the car, or file down the ignition key
- Remove the car's distributor cap or battery
- Park the car on another block or in a neighbor's driveway

Driving and Reporting Laws—Missouri

Frequently Asked Questions - Physician Reporting of Impaired Drivers

Do the laws relating to driver licensing mandate that a physician report a patient having a condition that makes driving a motor vehicle unsafe to the director of revenue or Drivers License Bureau?

The law does not require that physicians report such drivers or suffer a penalty for not doing so. Section [302.291, RSMo](#) does, however, authorize such reporting. Any legal obligations for such reporting remain those that are related to the physician's legal and ethical obligation to patient safety and the safety of the general motoring public.

If a physician wants to report a patient who has a condition making driving unsafe, is there any legal protection for the physician making the report?

Yes. After January 1, 1999, section [302.291.5, RSMo](#), provides the physician who reports a patient in good faith with civil immunity from any damages that might otherwise arise from making such a report.

Will any report by the physician become public record once it is made to the director of revenue or Drivers License Bureau?

No. These records are confidential and will only be released pursuant to court order or if the license action taken by the director is being reviewed by the court and such records are necessary for the court review.

What action will the director take if the physician reports a patient has a condition making driving unsafe?

If the director receives information from the physician indicating that a medical condition has made the driver unsafe, the director will notify the driver that the current license will be revoked after ten days unless the driver presents medical examination information indicating any change in condition.

If the physician believes the condition may only be temporary, and the driver may be able to drive safely at some future time, should he or she indicate that in the report made to the director?

Yes. The law provides that if the physician reports a temporary condition, the individual may request total or partial reinstatement of his/her license. The driver may petition the director if the condition improves and the individual submits a medical report from that physician, or a physician with the same or similar license.

If the driver is required by the director to submit to a medical examination, how long is the driver given to complete the examination?

The driver is given an initial period of 30 days, but for good cause, may be granted additional time if needed

May the director require both a physical and driving examination?

Yes. Pursuant to [302.291, RSMo](#), the director may require whatever examinations are necessary to determine the driver's continued ability to safely operate a motor vehicle.

Is there a form that the director furnishes for the physician to use in reporting such patients?

Yes, the [Physician's Statement \(Form 1528\)](#) may be used by physicians in making such reports. The physician is not required to only use this form; however, the form was designed for ease in use and to ensure the director has all the necessary information to take proper action regarding the driver.

How may the physician obtain such forms?

The [Physician's Statement \(Form 1528\)](#) is available on the Department of Revenue web site, and may be printed from any computer.

Does the director have any medical personnel to assist in developing guidelines, or if necessary, to help evaluate medical information?

Yes. Section [302.292, RSMo](#) established a Medical Vision Advisory Board (MVAB). The board advises the director on medical criteria for the reporting and examination of drivers with medical impairments. The MVAB is composed of three licensed physicians who are residents of the state and are appointed by the director of revenue.

If physicians have questions regarding the form or the reporting process, who should they contact?

Physicians may contact:

*Missouri Department of Revenue
301 West High Street - Room 470
Jefferson City, MO 65105-0200*

- Email: dlbmail@dor.mo.gov
- Telephone: (573) 751-2730
- Fax: (573) 522-8174

When the [Physician's Statement \(Form 1528\)](#) is completed, please forward it to the above address.

Frequently Asked Questions - How to Report an Unsafe Driver in Missouri

If I know someone who I believe is no longer able to drive safely, what do I need to do to get the driver retested or evaluated?

To report a driver who may be unable to operate a motor vehicle safely and responsibly, you should submit a completed [Driver Condition Report \(Form 4319\)](#). You may print the form from your computer, or you may obtain a copy at any Missouri license office. You can also [submit an online request to have a copy of the form mailed to you](#).

You must have personally observed or know the information about the driver you are reporting.

Are there only certain persons who may ask to have a driver retested to see if they are safe to drive?

The law provides a list of persons who may report unsafe drivers such as: physicians, law enforcement personnel, social workers, therapists and immediate family of the driver. However, if the director has good cause to believe a driver may be unsafe to operate a motor vehicle, **from any source**, the director may further investigate and, if necessary, require appropriate testing or license restrictions.

What type of information is needed?

Identification: You must provide information to help the director identify the driver you are reporting such as: name, date of birth, driver license number, current address and license plate number for the vehicle being operated.

Unsafe Driving Behavior: You must provide as many details as possible about how the driver is unsafe such as: any traffic violations, accidents and dangerous driving habits.

Condition of Driver: You must report any conditions the driver has that may affect safe driving such as:

- problems moving legs, arms or head;
 - losing consciousness;
 - dementia or mental confusion;
 - vision problems; or,
 - any problems with alcohol and drug use.
-

Must I identify myself in order to report an unsafe driver?

Yes, you must identify yourself. However, this information will be kept confidential and will not be released except if required by a court.

Could I have any liability if I report a driver I think may be unsafe?

There is immunity from liability if the report is made in good faith. If the report is deliberately made with false knowledge, it is a class A misdemeanor.

May I report an unsafe driver by telephone rather than filling out the form?

No. The law requires that the report must be in writing.

Where do I send the report when it is completed?

Missouri Department of Revenue
ATTN: Driver Review
PO Box 200
Jefferson City, MO 65105-0200

How will the director decide what testing or restrictions to require?

The director will examine all the information provided in the report and, if necessary, investigate further to get additional information needed to determine what testing or restrictions should apply. For example, if the information indicates the driver may have a physical condition that interferes with driving, a physical examination may be required. If there has been a loss of mobility, a driving test to evaluate appropriate restrictions may be required.

How is the driver notified?

The driver is notified by certified mail of the required test(s) and given 30 days to complete the test(s) and return the results to the Department of Revenue.

What action may the director take based on the test results?

The director may allow the driver to keep his/her license, revoke, suspend or deny the license, or may require additional restrictions.

Is there any appeal the driver may take if his or her license is revoked, suspended or denied?

The driver may appeal any revocation, suspension, or denial to the circuit court in the county of residence within 30 days of the date of mailing of the notice.