



46. Medical supervision of the competence of drivers

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Background

Every year about 450 people are killed in Israel in road accidents, and tens of thousands are injured. Medical treatment and rehabilitation of the injured demand considerable medical and economic resources. Driving, although it has become a routine activity for all of us, obligates physical, cognitive, and emotional capability, as well as constant attention and concentration. The human factor in accidents is significant. Medical competence for driving is a personal matter, since numerous factors are liable to affect the ability to drive: specific medications, lack of sleep, consumption of drugs and alcohol, etc.

The Traffic Ordinance obligates every driver to notify the Licensing Authority by registered mail of any illness limiting his capability to drive. The law imposes an identical obligation on "the physician treating the driver" who "has diagnosed an illness (in the driver) and is convinced that the said person is liable to endanger himself or others because of this when driving".

The instructions of the Medical Administration from 1998 clarify that the obligation applies to "any physician treating a person, including one-time treatment or diagnosis only". The instructions impose the obligation for reporting a long list of illnesses and situations that have no connection with driving, including, for example, kleptomania, pyromania, and pathological gambling. On the other hand, in clear-cut cases of illnesses liable to affect driving, no threshold for reporting has been specified, and the question remains open of when to report to the Authority in cases such as Alzheimer, Parkinson, or epilepsy controlled by medication.

In the absence of data regarding the number of accidents caused by the medical incapability of the drivers, it is not at all clear if public benefit will be derived from the revocation of these drivers' licenses. In contrast, the damage expected to the physician-patient relationship because of the breach of the patient's privacy and the effect on his ability to function in society – such damage is very certain and tangible. It is not surprising that only one percent of the physicians in Israel report to the medical institute for road safety patients who seemingly constitute a risk on the road.

The law has failed in an attempt to turn physicians into watchdogs of the medical capability of drivers in Israel. This is a decree that the physicians cannot comply with, as long as they are not convinced that it sacrifices the traditional connection with the patient for a worthy cause. Furthermore, since the identity of the physician making the report is known to the patient, there is a real fear on the part of the physicians of violence against them in respect of such a report.

It appears that the State cannot impose the responsibility for road safety on the shoulders



of the physicians, some of whom are not even aware of this legal obligation. The law should be stayed and the entire approach re-evaluated. It would be better for the responsibility for reporting to be imposed on the driver only, with the physician retaining the right to report if it becomes clear to him that the patient himself does not intend to report his illness. Even then, the list of illnesses that obligate reporting should be drastically reduced, and the physician reporting should be given proper legal defense.

Position paper

- The human factor in road accidents constitutes a major reason for mortalities in Israel.
- The good of the public obligates monitoring of the medical capability of the country's drivers.
- The Traffic Ordinance imposes on the physician the obligation to report to the Licensing Authority every driver who, in the physician's opinion, endangers through his driving both himself and others, as a result of his illness.
- The instructions of the Medical Administration in the Ministry of Health on this matter include a long list of illnesses that obligate reporting, some of which are totally irrelevant to driving.
- The obligation to report, which infringes the patient's right to privacy, harms the patient's trust in the physician and the professional connection between them.
- The physician is obligated to notify the patient in advance of his obligation and intention to report to the State authorities regarding his capability to drive.
- The obligation to report causes the patient to conceal the medical truth from the physician and is thus liable to cause deterioration to his state of health and increase the risk in his driving.
- Against their will, physicians have encountered a conflict between their ethical obligation to the individual patient and their legal and ethical obligation to the general public.
- Because of this conflict, most physicians do not report the state of medical competence of patients for driving.
- The State should re-evaluate the effectiveness of the existing law and its replacement by another, acceptable, law that will exempt physicians from the ethical conflict they have encountered.