

A Word to Survivors of Acquired Brain Injury Who Would Resume Driving and Their Families

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Driving is very special. It can be the ticket to independence for a person contending with disabilities following an injury to the brain. At the same time, it involves risk both to the individual and to others who use the roadways, which makes it different from most other activities which one seeks to resume. No other activity so starkly contrasts the needs of the individuals and the safety of society. Driving safely requires sophisticated cognitive skills that are often hidden to the casual observer - unlike physical or motor deficits. These abilities range from basic functions such as reaction time to sophisticated judgments. Driving safely, after all, involves far more than operating the motor vehicle in isolation.

Legal Requirements

The privilege of operating a motor vehicle is conveyed by your state Department of Motor Vehicles. This agency, and only this agency, can convey and deny this license. The laws in each state vary and most states have not fully developed policies and procedures for individuals who have sustained an injury to the brain.

Contrary to popular conception, few states have mandatory reporting laws that required physicians and health facilities to report the identities of individuals who have come in for treatment of a brain injury to the Motor Vehicle Department. In those states in which there are reporting laws, compliance is spotty. For example, in the state of New Jersey, there is a reporting law concerning seizures: if an individual has a seizure, the physician is supposed to notify the Department of Motor Vehicles. In the state of Pennsylvania, if individuals have a condition that causes unconsciousness that lasts more than 48 hours, they are to be reported at that time by their physician to the Motor Vehicle Department.

While mandatory reporting laws are rare and do not work consistently, many states do provide for immunity to health care professionals who report individuals because of concerns about their ability to operate a motor vehicle safely.

In some states, such as New Jersey, an obligation is placed on the individuals to identify themselves to the Department of Motor Vehicles if they have had a condition which has affected their consciousness or mental or physical ability. Such conditions include a severe brain injury (e.g. from a head injury, stroke or aneurysm, brain tumor, etc.).

In other states, such as New York, individuals' licensure remain valid until the time of renewal, when they are required to answer questions concerning any changes in their condition since their last application. A serious brain injury that involved a period of unconsciousness is to be reported at this time. In addition to this, if there were obvious physical or language problems, they may be identified by clerks in the Motor Vehicle Office when individuals go to file their applications.

Once individuals come to the attention of the Department of Motor Vehicles, the Department may require they submit

medical statements endorsing their ability to drive. Alternatively, they may be required to be retested by the department itself, which may have a special unit for this purpose.

What You Should Do

If there is any reason whatsoever even the slightest doubt, particularly with possible impairments from a brain injury. While nobody can insure that you will be a safe driver, that is the best thing you can do to protect your interest, both practically and legally. If you should hurt someone in an accident at a later time, you will be better off if you can show that you passed a careful examination that took your injury into account. You must recognize that you and your family are not capable of making an informed and objective judgment. It requires a trained evaluator who has been informed of your medical history.

Unfortunately, many people are afraid of the consequences of a negative decision of a driver's evaluation. But, bear in mind that the consequences of being an unsafe driver are far, far more serious and a greater threat to ones future, not to mention everyone else than not driving. Furthermore, the conclusions of an evaluation are not just limited to a "thumbs up" or "thumbs down" decision. The result may be a recommendation for rehabilitative training that would lead to reinstatement of driving privileges.

So if there is any question whatsoever: (1) ask for an evaluation; (2) in the meantime, do not drive.

Driving Advisement Program

In many rehabilitation facilities an interdisciplinary Driving Assessment Program is available to get you started, if appropriate, on the path toward reinstatement. These services should include a rigorous assessment of the prerequisites - motoric, psychologic, cognitive, visual and medical - to driving. You can expect a review of the legal requirements which you must satisfy and advice about when and how to obtain an in-vehicle evaluation. In the following, the essential components of the Driving Advisement Program are described.

Medical.

Medically, most states require that for a set period of time (e.g. one or two years) you be free of seizures or other conditions which might impair your consciousness or otherwise impair your ability to drive. We will ask your doctors to consider you particularly with regard to these requirements.

Vision.

While the requirements of states vary, in order to drive it is necessary to have clear vision and a full field of vision. Other factors that contribute to visual efficiency will be the judgment of distances, visual perception, the interpretation of complex scenes, glare recovery, night vision and the use of both eyes efficiently.

Cognitive.

Here a detailed set of computerized assessments address abilities to react quickly, make rapid decisions, adjust to

changing circumstances, control impulses, respond consistently, deal with more than one thing at a time, endurance, hand-eye coordination and tracking. Especially important are a cautious concerned attitude and your judgment about your abilities especially as they would apply to your performance as motor vehicle operator.

Motor Abilities.

A Physical or Occupational Therapist will consider your ability to control movement, strength, ability to transfer from or to a chair, and coordination as they would apply to driving. They may recommend that you seek a specialized evaluation for the use of adaptive equipment to compensate for problems in these areas. Because driving may be necessary for you to return to work, the costs of these evaluations and special equipment may be included in vocational rehabilitation (through your state OVR or DVR).

The results of all the evaluations should be shared with you, because it is especially important that you understand the findings. People who know their abilities well are more likely to take the necessary precautions to be safe.

Conclusions

A copy of the Driving Advisement Program team's findings becomes part of your medical record and can be sent out at your request to the Department of Motor Vehicles as support for your application for relicensure. It cannot and does not authorize relicensure. Only the Department of Motor Vehicles has that authority.

It is often prudent to find out what provisions and services are available from your states Department of Motor Vehicles. An informal inquiry can often be accomplished by telephoning the head office.

If the findings are negative: It is possible that the evaluation findings will show that you do not meet the basic requirements of the law for licensure (e.g., you may have inadequate vision or uncontrolled seizures). Be sure to have this explained to you carefully and in full detail. The team's conclusions would not prevent you from approaching the Department of Motor Vehicles for an independent evaluation. The role of the team is simply advisory.

If you have been advised that you are not ready to resume driving, ask (1) when you can be reevaluated and (2) what you can do to practice in the meantime. Finally, (3) find out how long it is likely to be that you will be unable to drive in order to make alternate plans (e.g., car pool, bus, friends, taxi, relocation to an urban area).

If the findings are positive: You might be encouraged to have an in-vehicle (on-the-road) evaluation. The team would advise you as to how to arrange this if not actually arrange this for you. Frequently recommended are a series of supervised driving sessions (driver training) so that you can practice driving in a variety of settings with an observer and the "insurance" of dual controls.

If the findings are mixed: You can expect detailed recommendations for you to pursue. Suggestions may include a program of exercises. Sometimes it is possible and appropriate to arrange supervised driving experiences with a

driver educator in a dual controlled vehicle. Sometimes a change in medication, to be explored with your physician, might be in order.

Final Comment

It is important to stress that the team of professionals that offers the Driving Assessment Program is very much committed to rehabilitation and wants to do everything possible to assist you in resuming driving, both legally and safely. As in the case of all other areas, these therapists wish to be "facilitators." However, they have a responsibility not only to you, but also to society. In the long run, as difficult as it may be to accept, it will be a service to no one if you are encouraged to drive if you cannot do so safely.

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