

Ministry of Transportation Response to the Ombudsman Preliminary Report – Drivers Who May Have Uncontrolled Hypoglycemia

March 28, 2014

| Recommendation | Response |
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| <p><u>Recommendation 1</u></p> <p>The Ministry of Transportation should ensure that all ServiceOntario and DriveTest Centre offices use current versions of forms relating to driver’s licences and are familiar with and follow proper procedures relating to driver’s licences and are familiar with and follow proper procedures relating to individuals with medical conditions which may render it dangerous for them to drive.</p> | <p>The ministry is working proactively with ServiceOntario and DriveTest Centre offices to ensure that they are using and following up-to-date forms, standards and procedures. When these forms are updated, our service providers are notified of changes, receive training, and are given ample time to implement changes.</p> <p>In addition, service providers are monitored for accuracy and consistency; appropriate mitigation measures are taken in the event of any issues.</p> <p>The ministry, together with ServiceOntario, is in the process of reviewing current processes with service providers to determine how additional improvements can be made.</p> |
| <p><u>Recommendation 2</u></p> <p>The Ministry of Transportation should revise its medical history form to provide clearer direction and require greater detail about insulin reactions experienced by drivers.</p> | <p>The ministry is currently working with ServiceOntario and other internal stakeholders to review and clarify the medical history form. Changes include, requesting more information of driver’s medical history, and requiring greater detail regarding insulin reactions.</p> <p>Target implementation date July 2014.</p> |
| <p><u>Recommendation 3</u></p> <p>MTO should ensure that its Medical Review Section carefully reviews medical history forms submitted by drivers with diabetes and obtains further information if a driver’s history of insulin reaction is unclear.</p> | <p>In June 2012, the province introduced five condition-specific forms, which are designed to make it easier for physicians to provide information necessary to confirm national medical standards are met. An additional five forms will be implemented Summer 2014.</p> <p>When the Medical Review Section receives a medical history form, the information is reviewed against policies, procedures and national medical standards. The Canadian Council of Motor Transport Administrators standards are established in consultation with all Canadian jurisdictions, key representatives from the medical community and Transport Canada. Where information is unclear or incomplete, additional information is requested to determine if standards are met.</p> |

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| <p><u>Recommendation 4</u></p> <p>MTO should educate its staff on the importance of communicating immediately with the Medical Review Section whenever issues of driver safety based on medical conditions are raised.</p> | <p>The ministry is reviewing current practices to streamline communication, and put new processes in place for sharing information between sections to ensure information is provided to the Medical Review Section immediately upon notification of a potential driver safety issue.</p> <p>Where police or crown attorneys specifically request a medical review or the suspension of an individual's driving privilege, the medical information provided is assessed against national medical standards to determine the appropriate action. Where medical information is not current, up-to-date information is requested to determine if standards are met.</p> |
| <p><u>Recommendation 5</u></p> <p>MTO should ensure that all staff in the Medical Review Section are provided with ongoing training to ensure they are familiar with and apply current CCMTA standards for driving.</p> | <p>Comprehensive, in-depth training is planned in September 2014 for all staff on policies, procedures and processes. This training includes current information on Canadian Council of Motor Transport Administrators standards.</p> <p>Ongoing training for the Medical Review Section will be conducted as policy and procedures are updated and new initiatives implemented and as new employees join the Section.</p> |
| <p><u>Recommendation 6</u></p> <p>MTO should ensure that a link to the standards used to assess the medical fitness of drivers and a summary of their relevance are available on its website.</p> | <p>The ministry's website has been improved and now includes:</p> <ul style="list-style-type: none"> • Information on both medical and vision standards for driving; • A description of the medical review process (i.e. how cases are processed); • Sections for physicians, optometrists and police on reporting requirements; and, • A direct link to both the Canadian Council of Motor Transport Administrators (CCMTA) and the Canadian Medical Association websites. <p>Part 1 of the CCMTA standards document provides a detailed explanation of how standards are developed and how driver fitness should be assessed. (http://www.mto.gov.on.ca/english/dandv/driver/medical-review/committees.shtml#national-stds)</p> <p>The ministry is also reviewing the Medical Review web pages to make sure it is clear and user friendly.</p> |

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| <p><u>Recommendation 7</u></p> <p>MTO should engage in research and consultation with a view to developing a clear, comprehensive, and publicly available guide for evaluating the driving risks posed by people living with diabetes who experience hypoglycemia.</p> | <p>The ministry will retain a consultant to research and consult with the medical community, Ministry of Health and Long-Term Care and stakeholders such as the Canadian Diabetes Association. The focus of the consultant assignment will be to develop a new public guide that focuses on driving with diabetes and a plan for the best distribution process.</p> <p>The Canadian Council of Motor Transport Administrators diabetes standard is currently available publicly and provides a standard assessment and detailed information on driving risks associated with diabetes including adverse driving outcomes, effect on functional ability to drive, ability to compensate and guidelines for assessment.</p> |
| <p><u>Recommendation 8</u></p> <p>MTO should engage in regular outreach to the medical community to enhance its understanding of the responsibility to notify the Ministry about drivers whose medical conditions pose safety risks.</p> | <p>The ministry recognizes that holding regularly scheduled sessions for doctors and other health care providers is key to communicating the importance of mandatory medical reporting of potentially unfit drivers. The ministry continues to work with the medical community to expand its outreach initiatives. In the last two years our efforts include:</p> <ul style="list-style-type: none"> • Conducting presentations to the medical community (currently upon request) – presentations are conducted in person and via teleconference to make access more widely available; • Presenting to Ontario medical schools (currently upon request); • Participating with the medical community on working groups and projects aimed at developing best practices for reporting and assessing potentially unfit drivers; • Increasing the number of articles in medical publications. Two articles were published in <i>Ontario Medical Review</i> on physicians’ reporting requirements in October 2012 and February 2013 and in the College of Physicians and Surgeons publication <i>Dialogue</i> (July 2013); • Updating the MTO website to include a new section specific to the Medical Review Section; • Dividing the Medical Review brochure into two separate brochures (one directed to physicians, and one directed to the public); a broad distribution strategy is under development; and, • Developing <i>Fact Sheets</i> for specific high risk conditions to be posted on the ministry’s website, and an additional distribution strategy is also under development for hard copies. |

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| <p><u>Recommendation 9</u></p> <p>MTO should, in consultation with the medical community, provide additional guidance to medical practitioners relating to the duty to report their patients under the <i>Highway Traffic Act (HTA)</i>, and consider whether legislative amendment is required to clarify the reporting obligation.</p> | <p>Improvements to the Medical Reporting Program are proposed in the <i>Keeping Ontario's Roads Safe Act, 2014</i>. If passed, this legislation provides for supporting regulations that will require physicians to report drivers based on standards developed by the medical community. As medical practitioners continue to improve these standards, the ministry's administration will progress with them. Extensive consultation with the medical community is planned prior to regulatory changes being implemented.</p> <p>See response 8 for outreach strategies for the medical community and the public.</p> |
| <p><u>Recommendation 10</u></p> <p>MTO should take all necessary steps to extend the mandatory reporting requirements under the HTA to qualified nurse practitioners and other health professionals.</p> | <p>Amendments to the <i>Highway Traffic Act</i> are proposed in the <i>Keeping Ontario's Roads Safe Act, 2014</i>. If passed, this legislation provides the flexibility to allow additional medical professions to identify unfit drivers to the ministry (see response 9).</p> |
| <p><u>Recommendation 11</u></p> <p>MTO should develop a procedure for receiving and actioning citizen reports of unsafe driving.</p> | <p>The ministry is researching and consulting with the medical community and police services on additional ways to address citizen reporting of unsafe driving. Ministry staff are aware that other jurisdictions (i.e. Alberta, Saskatchewan and British Columbia) make greater use of citizen reporting.</p> <p>Currently, the ministry encourages citizens to discuss unsafe driving or other driving concerns with a physician or the police (depending on the circumstances and their relationship with the driver).</p> <p>The ministry will review its policy based on the results of these consultations.</p> |

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| <p><u>Recommendation 12</u></p> <p>MTO should direct staff in the Medical Review Section to confirm that drivers have received diabetic education in cases where this is unclear from the Diabetic Assessment form and where re-education is recommended by a treating physician or the Medical Advisory Committee.</p> | <p>The ministry continues to develop condition-specific forms for high-risk and frequently reported medical conditions. These forms will allow the ministry to collect information to determine if national medical standards for driving are met.</p> <p>The content of the forms is based on medical standards found in the 2013 edition of <i>Determining Driver Fitness in Canada</i>, developed by the Canadian Council of Motor Transport Administrators. The diabetic standard requires drivers with diabetes to understand how their condition affects their ability to drive.</p> |
| <p><u>Recommendation 13</u></p> <p>MTO should establish a partnership with the Ministry of Health and Long-Term Care and consult with diabetes education providers, the Canadian Diabetes Association and other stakeholders with a view to sharing information about the standards it uses to evaluate driver safety.</p> | <p>The ministry has an excellent and long-standing working relationship with the Ministry of Health and Long-Term Care, and will share these recommendations. We are also exploring the opportunity for partnership with the Canadian Diabetes Association and other stakeholders to determine where future partnerships may be beneficial.</p> <p>The ministry will also discuss options regarding diabetes education providers and their knowledge of diabetic standards for driving with the Ministry of Health and Long-Term Care.</p> <p>All Medical Review forms are endorsed by the Ministry of Health and Long-Term Care – Ontario Medical Association Joint Forms Committee. This committee is mainly comprised of physicians.</p> <p>In the past, the ministry has participated in information sessions for the Canadian Diabetes Association, diabetic educators, Registered Nurses and Nurse Practitioners. The ministry is pursuing a greater role in the future.</p> |

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| <p><u>Recommendation 14</u></p> <p>MTO should take proactive steps to ensure diabetes education is consistent and accurate across the province in promoting safe driving for individuals with diabetes.</p> | <p>The ministry website is being updated to provide the most up-to-date information and additional links (see responses 7 and 8 above).</p> <p>The ministry will share recommendations and work with the Ministry of Health and Long-Term Care to identify any gaps in diabetes education and share information on national medical standards for driving with diabetes (see response 8).</p> |
| <p><u>Recommendation 15</u></p> <p>MTO should include information on its website about diabetes and driving, as well as the risks associated with hypoglycemia, including links to useful resources such as the Ministry of Health and Long-Term Care’s online information on diabetes.</p> | <p>The ministry is reviewing its website to make it more user friendly for the public and for medical practitioners looking for information on driving with diabetes. This includes providing more direct or improved links to, and content from, other websites that may be useful. This is being done in consultation with the Ministry of Health and Long-term Care.</p> <p>The MTO website includes:</p> <ul style="list-style-type: none"> • Information on both medical and vision standards for driving; • A description of the medical review process (i.e. how cases are processed); • Sections for physicians, optometrists and police on reporting requirements; and, • A direct link to both the Canadian Council of Motor Transport Administrators and the Canadian Medical Association websites. |
| <p><u>Recommendation 16</u></p> <p>MTO should launch an education campaign to alert individuals with medical conditions that may pose safety risk for driving, such as uncontrolled diabetes/hypoglycemia, and use Mr. Maki’s case as an example.</p> | <p>The ministry plans to explore options for a public education campaign with key road safety stakeholders, police services, the medical community and other ministries involved in this issue.</p> <p>Ongoing consultations scheduled for spring and summer will include discussion of this issue and a communications strategy will be developed for fall 2014.</p> |

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| <p><u>Recommendation 17</u></p> <p>MTO should consider the advice of experts in the field of endocrinology in revising its Diabetic Assessment form, and ensure that the form contains sufficient space to allow for complete details to be provided and encourages review of blood glucose logs.</p> | <p>The Ministry of Health and Long-Term Care – Ontario Medical Association Joint Forms Committee has been consulted and approved the revised Diabetic Assessment form. This committee, comprised mainly of physicians, provides valuable input into forms development and consults, where necessary, with appropriate Ontario Medical Association specialty sub-committees. The revised Diabetic Assessment Form has been reviewed by experts in the field of endocrinology.</p> |
| <p><u>Recommendation 18</u></p> <p>MTO should require submission of blood glucose logs in all cases where it is unclear from the Diabetic Assessment form that a physician has adequately reviewed them.</p> | <p>The ministry continues to develop condition-specific forms for high risk conditions, such as uncontrolled hypoglycemia. These forms will allow the ministry to collect better information to determine if national medical standards for driving are met. The submission of blood glucose logs will also be considered when reviewing complex cases with the Medical Advisory Committee.</p> <p>The content of the forms is based on medical standards found in 2013 edition of <i>Determining Driver Fitness in Canada</i>, developed by Canadian Council of Motor Transport Administrators.</p> |
| <p><u>Recommendation 19</u></p> <p>MTO should report back in six months time on the progress of implementing my recommendations and a six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.</p> | <p>The ministry would be pleased to share its progress with the Ombudsman as requested and will provide information on MTO's progress on this important issue as soon as it is available.</p> |