

Virginia Department of Motor Vehicles Medical Review Process

Va. Code § 46.2-322 charges the Department of Motor Vehicles (DMV) with the responsibility for ensuring that drivers are able to safely operate motor vehicles. To do this, DMV relies upon information from various sources (law enforcement officers, medical professionals, judges/court officials, DMV representatives, relatives of drivers, concerned citizens and the driver) to help identify drivers who may have a physical or mental condition that impairs their ability to drive safely. In addition, DMV receives reports of visually impaired individuals from the Department of the Blind and Vision Impaired.

In conducting medical reviews, DMV's goal is to allow individuals to drive as long as the driver can exercise reasonable and ordinary control over the vehicle. Each case is evaluated on its own merits, based on functioning level and not age. In particular, DMV is concerned about any condition that alters the drivers':

- level of consciousness
- perception (vision)
- judgment, or
- motor skills.

Upon receipt of impaired driver reports, DMV's Medical Review staff determines if there is good cause to initiate a medical review of the driver. DMV may require the driver to comply with any one or more of the following as part of the medical review process:

- submit a medical and/or vision report from his/her physician/nurse practitioner
- pass the two-part driver's license knowledge exam
- pass the road skills test
- driver evaluation conducted by driver rehabilitation specialist

DMV sends the driver a notice advising them of the requirement to submit a medical/vision report. The customer is allowed 30 days to comply with this requirement.

If driver license testing is required, the customer is allowed an additional 15 days to complete the tests.

Based on DMV's evaluation of the medical and/or vision information received, driver licensing test and/or driver evaluation results, the customer's driving record, Virginia laws on licensing standards, and medical review policies and guidelines established by the Medical Advisory Board, DMV will determine whether to:

- restrict the customer's driving privilege; or
- require the customer to submit periodic medical and/or vision reports
- suspend the customer's driving privilege;
- end the customer's medical review with no additional requirements

Restrictions imposed by DMV range from driving with corrective lenses or during daylight hours only, to driving within a certain mile-radius and/or no interstate driving. If DMV places the driver on periodic review, medical and/or vision reports may be required every three, six, twelve or twenty-four months. The frequency of required reports may change or even be discontinued depending upon the merits of the case. DMV notifies the driver in writing once the evaluation is completed, and if the driver is required to submit periodic medical and/or vision reports.

Administrative Informal Proceedings

Virginia law (§ 46.2-321) provides for an administrative informal fact-finding conference to appeal actions/requirements imposed by DMV. However, the medical review action is not held in abeyance while awaiting the informal conference.

Administrative informal conferences are conducted by the DMV Hearings Office and the resulting decisions must be approved by the DMV Commissioner. Customers may appeal adverse decisions to the Circuit Court.