

Driver licence (consumer)

Purpose

To outline the role of Specialist Mental Health Service (SMHS) in enhancing consumer and public safety in relation to safe driving.

To outline the process for assessing a consumer's fitness to drive and issues relating to driver licensing as required by Land Transport Act.

Policy

SMHS is committed to enhancing consumer and public safety in relation to safe driving. This will include:

- Staff taking action where a consumer is found to be intoxicated while driving or is about to drive.
- Staff taking action where a consumer is operating a vehicle or heavy machinery against medical advice.
- Medical practitioners considering medical aspects of fitness to drive in appropriate consumer assessments.
- Assisting the New Zealand Transport Agency (NZTA) processes in managing a consumer's driver licensing.

Scope

All health professionals.

Definition

Substances of concern

Substances of concern may include alcohol, hallucinogens, cocaine, inhalants, opioids, sedatives, cannabis, stimulants (such as herbal highs) and other substances whether prescribed and non-prescribed.

Intoxication indicators

1. The individual appears to be intoxicated or drug affected.
2. The individual reports, or is observed, or is reliably reported to be using a substance of concern within a timeframe that indicates that they may be unfit to drive or use heavy machinery.

Staff should note that some medical conditions can simulate intoxication eg head injury, poorly controlled diabetes.

Supporting documentation

Legislation and guidelines

Land Transport Act 1998 and Land Transport Amendment Act 2009

Health Practitioners Competence Assurance Act 2003

NZ Transport Agency 2009, Medical Aspects of Fitness to Drive, A Guide for General Practitioners.

- Mental disorders (section 8) pg. 95-102

**This document is to be viewed on the SMHS intranet.
Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**

- Effects of medication, drugs and abuse of substances (section 11) pg. 115-119
- Appendix 1&2, Section 18&19 of the Land Transport Act 1998 pg. 128-129

Canterbury DHB documents

Legal and Quality policies and procedures volume 2

- Release of patient information

[SMHS Driver Licence information sheet](#)

**This document is to be viewed on the SMHS intranet.
Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**

Staff interventions with an intoxicated individual

Staff intending to intervene with an intoxicated individual should consider their own safety and ensure they are supported with one or more staff members present.

Where an individual is displaying intoxication indicators, the individual should be advised not to drive or use heavy machinery.

Staff intervention with the individual shall include:

- Expressing concern.
- Suggesting keys are left at reception for collection later.
- Assisting in arranging alternate transport.
- Advising that health practitioners are required to inform the police.

Staff should not move the individual's vehicle. If it poses a hazard, police should be informed.

If the individual ignores the advice and drives away:

- Record the vehicle information.
- Notify the senior clinician on duty and the individual's Responsible Clinician.
- Report concerns to police.
- Complete incident reporting process.
- Document clearly in clinical notes.
- Review at next multidisciplinary team meeting.

Driver licence process

All driving license information should be sent to the DAMHS office, not the LTSA.

The Responsible Clinician will discuss any driver license suspension with the consumer

Consumers under the Mental Health Act

When an individual becomes subject to an Inpatient Compulsory Treatment Order (Section 30 and 31) or becomes a Special Patient, the DAMHS office will advise the Responsible Clinician that a section 19 notification is needed as:

- The consumer is not legally entitled to drive until their licence is reinstated.
- Their driver licence is surrendered.

Although the requirement to surrender the licence does not come into effect until an Inpatient Order is made, it is reasonable to assume that an individual should not be driving during the period of assessment and be advised accordingly.

**This document is to be viewed on the SMHS intranet.
Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**

Consumers not under the Mental Health Act

Other SMHS consumers including those under Community Treatment Orders (section 29 Mental Health Act) are not required to surrender their licence unless they are assessed as unfit to drive and it is believed the consumer will continue to drive.

Fitness to drive

On DAMHS office direction, the medical practitioner will assess medical aspects of fitness to drive for all consumers including those being released from Compulsory Status or approved for leave.

Assessment of medical aspects of fitness to drive should be documented in the clinical record.¹ The consumer should also be informed that prescribed medicines could impair their driving and a note made in the clinical record.

DAMHS office will send letter to the consumer advising if Responsible Clinician has found them fit/not fit to drive. Should there be reason to believe that a consumer is driving after being advised not to, the clinician should complete the Healthlinks free-text letter 'Driver license letter Sec 18 Non-Compliant'. Send the letter to DAMHS office.

Surrender of a driver licence

Surrendered licences are sent to the DAMHS office for safe storage.

Return of a driver licence

When an individual is to be released from Compulsory Status or will be on Special Leave and is assessed as fit to drive, the DAMHS office will return the license to the consumer.

If the license was a commercial class, the consumer must apply to the NZTA for the return of the license and supply a full medical certificate.

The assessment recorded in the clinical progress notes.

1 NZ Transport Agency 2009, Medical Aspects of Fitness to Drive, A Guide for General Practitioners section 8.1 Mental disorders that may impair safe driving (pg.98-102) or <http://www.nzta.govt.nz/resources/medical-aspects/8.html>

**This document is to be viewed on the SMHS intranet.
Printed copies should not be used on subsequent occasions, as content may not reflect the current version.**