
Changes to who can carry out 'fitness to drive' assessments

25 September 2018

Background

Recent amendments to the Land Transport Act and associated Driver Licensing Rule coming into effect on 8 November 2018 replace various references to medical practitioner, optometrist and occupational therapist with 'health practitioner'. This change reflects New Zealand's changing health care environment and recognises in particular that appropriately qualified and competent nurse practitioners and registered nurses have the expert clinical knowledge and skills to assess fitness to drive.

A health practitioner is defined by the Health Practitioners Competence Assurance Act 2003 as "a person who is, or is deemed to be, registered with an authority as a practitioner of a particular health profession". Until now, an assessment of someone as being fit or unfit to drive could only be made by a medical practitioner (such as general practitioners, medical specialists, physicians) or optometrist, based on their physical or mental condition. This assessment will now fall within the scopes of practice of medical practitioners, optometrists, occupational therapists, nurse practitioners, and registered nurses.

What is changing?

Currently the Land Transport Act 1998 and associated Driver Licensing Rule limits fitness to drive assessments to medical practitioners, optometrists and occupational therapists. Only medical practitioners and optometrists can issue a medical certificate.

Under law changes **coming into effect on 8 November 2018**, nurse practitioners and registered nurses, working within their scopes of practice, will be able to carry out a fitness to drive assessment and issue the appropriate medical certificate.

What roles are included as 'health practitioners'?

For the purpose of *Medical aspects of fitness to drive – A guide for health practitioners*, "health practitioners" are:

- medical practitioners (such as general practitioners, medical specialists, physicians),
- optometrists,
- occupational therapists,
- nurse practitioners,
- and registered nurses.

Scope of practice is defined in the Health Practitioners Competence Assurance Act 2003. Section 8 makes it clear that health practitioners must:

- have a current practising certificate issued by the responsible authority (such as the NZ Nursing Council),
- not practise outside their scope of practice unless permitted to do so by the scope of practice,
- perform that service in accordance with any conditions stated in the scope of practice.

The appropriate authorities are responsible for defining scopes of practice, which can include a description of tasks commonly performed by that profession (section 11 of that Act).

The guide is available online at www.nzta.govt.nz/resources/medical-aspects.

Who will be able to carry out a fitness to drive assessment from Thursday, 8 November 2018?

Medical practitioners, optometrists, occupational therapists, nurse practitioners and registered nurses.

From 8 November 2018, who can issue a medical certificate (DL9 form) as an outcome of a medical aspect of fitness to drive assessment?

Medical practitioners, nurse practitioners and registered nurses. Optometrists and occupational therapists cannot.

How will a health practitioner gain access to the DL9 medical certificate?

Nurse practitioner and registered nurses associated with a medical centre will have DL9 forms available. The current process to replenish forms remains the same. If you do not have DL9 available, please contact Wickliffe on 0800 872 765 or via website www.ecos.co.nz to initiate the process to create an account to be able to request forms.

Medical centres that are nurse practitioner-only practices will also have DL9 forms available.

What about the old DL9 form? Can this still be used?

Though transitioning to the new DL9 form is desirable, the old DL9 forms will be accepted from all medical practitioners, optometrists, occupational therapists, nurse practitioners and registered nurses from 8 November 2018.

What is changing for a medical practitioner, occupational therapist or optometrist?

Nothing is changing for these three roles.

What is changing for a nurse practitioner or registered nurse?

Nurse practitioners and registered nurses, working within their scope of practice, will be able to carry out a fitness to drive assessment and issue medical certificates for driver licensing purposes.

What do I need to provide when I complete the DL9?

You will need to sign the DL9 form, as well as provide your name, address, and registration number.

What is the *Medical aspects of fitness to drive* publication?

This guide (available online at www.nzta.govt.nz/resources/medical-aspects) helps health practitioners assess the fitness to drive of any individual. The guide sets out the responsibilities and obligations of health practitioners, in both ethical and legal terms. Placing licensing restrictions on an individual is a serious matter, as may the consequences of allowing an individual to continue to drive if they are unfit to do so.

Note that not all medical conditions, or all medical situations that individuals may face, can be included in a document of this nature, and that changes in practice and management may require revision of the advice in the guide.

Do higher standards apply to commercial drivers?

The *Medical aspects of fitness to drive* guide covers both private and commercial licence classes and endorsement types. Generally, the standards for commercial licence classes and endorsement types are higher than for private licence classes and endorsements in recognition of the greater road safety risks from commercial driving.

What do I do if I have concerns about a patient's ability to drive?

A health practitioner must report that an individual is unfit to drive or should only drive with certain licence conditions if:

- the health practitioner provides a medical certificate for driver licensing renewal or application purposes,
- the individual is likely to continue to drive contrary to medical advice (section 18 of the Land Transport Act 1998).

Refer to section 1.4 of the *Medical aspects of fitness to drive* guide.