

Notice of Meeting/Workshop Hearing

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE NO.: RULE TITLE:

15A-5.004: Seizures

The Department of Highway Safety and Motor Vehicles (DHSMV) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 18, 2019 at 5:30 pm - 7:30 pm

PLACE: Conference Call - To join the meeting dial +1 (888) 585-9008 - Access Code # 176-579-693

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the DHSMV to discuss Medical Advisory Board seizure guidelines. In addition, other general business may be addressed.

AGENDA

Roll Call

Welcome

Updating seizure classification diagnosis and treatment and relevance to driving

Q&A

Adjourn

A copy of the agenda may be obtained by contacting: The agenda is included above.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rebecca Marsey, 2900 Apalachee Parkway, Tallahassee, FL 32399, 850-617-2104, rebeccamarsey@flhsmv.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Medical Advisory Board Meeting

Tuesday, June 18, 2019
5:30 pm – 7:30 pm (or until adjourned)

Via Conference Call

To join the meeting dial +1 (888) 585-9008
Access Code # 176-579-693

AGENDA

1. Roll Call
2. Welcome
3. Updating seizure classification diagnosis and treatment and relevance to driving
4. Question & Answer
5. Adjourn

the date the exceptions are filed with the Medical Review Section.

(19)(a) If the applicant or licensed driver fails to appear at a duly noticed hearing, the right to a review of the Department's decision on licensure will be waived. The panel will provide notice to the party of his or her failure to appear and its intention to issue a Recommended Order sustaining the findings of the Department in its decision on licensure.

(b) Within five days of the scheduled hearing, the applicant or licensed driver may submit to the panel a written statement alleging good cause for his or her failure to appear at the hearing.

(c) For the purpose of this section, good cause means extraordinary circumstances beyond the control of the applicant or licensed driver or his or her attorney that prevented the party from attending the hearing. If good cause is shown, the hearing will be continued and notice setting a new hearing date will be sent to all parties by the panel chair.

(d) No hearing will be continued for a second failure to appear.

(e) If the applicant or licensed driver does not provide a written statement alleging good cause or if good cause is not found by the panel, the panel will issue its Recommended Order to the Department.

(f) This section does not apply to the nonappearance of an applicant or licensed driver who is represented at hearing by an attorney.

(20) The Executive Director or designee will enter a Final Order within 45 days after receipt of the Recommended Order. A Final Order may be appealed pursuant to section 322.31, F.S. The date of rendition of a Final Order is the date an order is mailed pursuant to section 322.251, F.S. A request for appeal of a Final Order will not stay a denial or revocation of a driver license.

Rulemaking Authority 322.02, 322.125, 322.222 FS. Law Implemented 120.569, 120.57, 120.80, 322.05, 322.125, 322.221, 322.222 FS. History--New 7-31-18.

15A-5.003 Seizure Disorders.

Rulemaking Authority 322.20(3), 322.126(1) FS. Law Implemented 322.05(7), 322.125(1), (2), 322.126(1), 120.62 FS. History--New 7-5-81, Amended 6-27-82, Formerly 15A-5.03, Repealed 8-5-12.

15A-5.004 Seizures.

(1) Applicants or licensed drivers must be seizure free for a period of two years before having their license issued or reinstated, but may apply at the end of six months to be reconsidered by the Board for issuance or reinstatement if they are under regular medical supervision and seizure free. Applicants or licensed drivers with "petit mal," absence seizures, and partial seizures with complex symptomatology will also be subject to these guidelines. An applicant or licensed driver with an isolated seizure with a normal electroencephalogram may be reconsidered by the Board at the end of three months. Applicants or licensed drivers must present a Medical Report, HSMV 72423, effective 07/18, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09594>, herein incorporated by reference, from their treating physician. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers who have been approved for license issuance or reinstatement after being seizure free for six months may be required to submit follow-up medical information at periodic intervals as recommended by the Board.

(3) Applicants or licensed drivers who have had chronic recurring seizures (or have been treated for such for one year) and who have anti-epileptic medications discontinued will not be licensed to drive during the period of drug withdrawal and for a period of three months following complete cessation of treatment. If the applicant or licensed driver has seizures during this withdrawal period, licensing may be considered after a three-month seizure free interval or upon return to adequate therapy.

(4) If there is a question about the seizure type or the medication the applicant or licensed driver is prescribed, it is the prerogative of the Board to question the physician further to clarify the nature of the seizures.

(5) Blood levels below therapeutic levels are to be considered on an individual basis.

(6) Applicants or licensed drivers with only non-epileptic seizures or chronic nocturnal seizures will be considered on an individual basis.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History--New 7-5-81, Amended 6-27-82, Formerly 15A-5.04, Amended 7-31-18.

15A-5.005 Loss of Consciousness.

(1) Recommendations by the Board as to whether an applicant or licensed driver who suffers from loss of consciousness can

safely operate a motor vehicle will depend upon consideration of the Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., and Loss of Consciousness Follow-Up Form, HSMV 72117, effective 07/18, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09590>, herein incorporated by reference, from their treating physician indicating the cause of the loss of consciousness.

Copies of the forms are available on the Department's website.

(2) Applicants or licensed drivers who may have experienced a loss of consciousness as a result of hypoglycemia must provide a Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., and/or Diabetes/Hypoglycemia Follow-Up Form, HSMV 72112, effective 07/18, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09589>, herein incorporated by reference, from their treating physician for consideration by the Board. If the hypoglycemic episode resulted in a motor vehicle crash, the applicant or licensed driver must present a Diabetes Form, HSMV 72118, effective 07/18, <http://www.flrules.org/Gateway/reference.asp?No=Ref-09588>, herein incorporated by reference, from their treating physician. Copies of the forms are available on the Department's website.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New 6-27-82, Formerly 15A-5.05, Amended 7-31-18.

15A-5.006 Cardiovascular Deficits.

Applicants or licensed drivers who experience cardiovascular deficits must present a Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., from their treating physician indicating their physical ability to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New 7-5-81, Amended 6-27-82, Formerly 15A-5.06, Amended 7-31-18.

15A-5.008 Deficits of Memory or Judgment.

Applicants or licensed drivers who suffer from deficits of memory or judgment must present a Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., from their treating physician indicating their physical and mental ability to safely operate a motor vehicle. A copy of the form is available on the Department's website.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New 7-5-81, Amended 6-27-82, Formerly 15A-5.08, Amended 7-31-18.

15A-5.009 Musculoskeletal and Neuromuscular Disorders.

(1) Applicants or licensed drivers with static musculoskeletal or static neuromuscular disorders who demonstrate that they can safely operate a motor vehicle with or without the use of aids and devices based on an examination or reexamination as outlined in rule 15A-5.0021, F.A.C., may be required to submit a Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., for review by the Board. Applicants or licensed drivers may be exempted from further reviews since these conditions are static and not likely to progress. A copy of the form is available on the Department's website.

(2) Applicants or licensed drivers with progressive musculoskeletal and progressive neuromuscular disorders will be required to submit a Medical Report, HSMV 72423, effective 07/18, incorporated by reference in rule 15A-5.004, F.A.C., from their treating physician indicating they have the mental and physical ability to safely operate a motor vehicle. These applicants or licensed drivers must provide periodic follow-up medical information as recommended by the Board due to the progressive nature of these disorders. They may also be required by the Board to take an examination or reexamination as outlined in rule 15A-5.0021, F.A.C. A copy of the form is available on the Department's website.

Rulemaking Authority 322.02(6), 322.125(7), 322.126(1) FS. Law Implemented 322.05(7), (10), 322.125(1), (2), (3), 322.126(1), 322.221(2)(c) FS. History—New 7-5-81, Amended 6-27-82, Formerly 15A-5.09, Amended 7-31-18.

15A-5.010 Severe Mental Disorders.

(1) Applicants or licensed drivers who have been adjudged incompetent will not be considered capable of safely operating a motor vehicle unless their competency has been judicially restored.

(2) Applicants or licensed drivers who have suffered from severe mental disorders that have required hospitalization or