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June 5, 2015

Kara N. Templeton
Director, Bureau of Driver Licensing
P.O. Box 68676
Harrisburg, PA 17106-8676

Re: Proposed Regulation amending 67 Pa. Code Ch. 83, Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers

Dear Director:

On behalf of the Pennsylvania Coalition of Nurse Practitioners (PCNP), which represents the interests of over 9,900 Certified Registered Nurse Practitioners (CRNPs) throughout Pennsylvania, please accept these comments on the proposed regulation regarding Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers that was published in the Pennsylvania Bulletin on May 9, 2015, at 45 Pa.B. 2255. For the reasons set forth below, PCNP opposes the proposed regulation, as drafted, and respectfully requests that it be amended.

By enacting multiple provisions of 75 Pa. C.S., the General Assembly evidenced its determination that CRNPs are qualified to conduct examinations for the issuance or recall of a driver's license. Specifically, Section 1508(a) authorizes the Department of Transportation to require an applicant to undergo a physical or mental examination; Section 1508.1(a) expressly includes CRNPs among the "specific classes of licensed practitioners of the healing arts" authorized to conduct those examinations. In addition, Section 1518(b) expressly includes CRNPs among the practitioners required to report mental and physical disabilities affecting the ability of a person to drive safely. Furthermore, Section 1519(a) expressly includes CRNPs among the practitioners by whom the Department may require an applicant or licensee to be examined for the purpose of determining physical or mental competency to drive

Consistent with the aforementioned sections of 75 Pa. C.S., the Department's current regulations at 67 Pa. Code Ch. 83 expressly include CRNPs among the "health care providers" authorized to conduct examinations to determine if a person has any mental or physical condition that would disqualify that individual from driving. Specifically, the definition of

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“health care provider” in Section 83.2 expressly includes CRNPs. Current Section 83.5 then repeatedly uses the term “health care provider” or “provider” to identify who is authorized to conduct examinations of applicants and licensees and to determine whether individual applicants or licensees have the requisite mental and physical ability to control and safely operate a motor vehicle.

The proposed regulation would not change the definition of “health care provider” in Section 83.2. The proposed regulation would also not limit the current authorization of CRNPs or any other defined “health care provider” to make the determination of disqualification of an applicant or licensee under Section 83.5(a) or (b). Furthermore, the proposed regulation would add Section 83.5(b)(5)(ii) to authorize any of the defined classes of “health care provider” to waive a disqualification under certain circumstances. However, for reasons that are not explained, the proposed regulation would amend Section 83.5(c) to authorize only a psychiatrist, neurologist, or licensed psychologist to assess the cognitive or emotional functioning of an applicant or licensee.

Excluding “health care providers” other than psychiatrists, neurologists, and licensed psychologists from performing assessments under Section 83.5(c) would allow all defined “health care providers,” including CRNPs, to determine if an applicant or licensee should be disqualified or should receive a waiver but would then appear to require that applicant or licensee to undergo a second assessment by a psychiatrist, neurologist, or licensed psychologist. In its regulatory analysis, the Department has failed to explain how this second assessment would relate to a determination by another defined “health care provider” under Section 83.5(b). The Department has also failed to explain the need for this second assessment or to discuss the cost of the second assessment.

PCNP’s members, who work in all areas of the healthcare system, have successfully participated in determining the health and wellness of Pennsylvania drivers, and this rulemaking should create no exception. CRNPs are educated to evaluate, diagnose and manage patients with brain disease, cognitive impairment, and mental/emotional disorders and are able to determine if individuals are, or can be, safe drivers. Therefore, PCNP respectfully requests that the language of this proposed regulation be made consistent with the relevant statutes and other regulations and be inclusive of our profession, so CRNPs can provide full and complete care to their patients as the need arises.

In addition, PCNP requests a clarification of an apparent ambiguity regarding the stage of Alzheimer’s disease or dementia that disqualifies a person from driving. In that regard, proposed Section 83.5(a)(5) indicates that a person is not qualified to drive if the person is diagnosed with Stages 5, 6, or 7. In contrast, proposed Section 83.5(b)(5)(i)(D) indicates that a

person is to be disqualified if the person has any signs of Alzheimer's disease or dementia in Stages 3, 4, 5, 6, or 7.

PCNP appreciates the opportunity to provide comments on the proposed regulation. If you have any questions, please feel free to contact PCNP's executive director, Susan Schrand, at sschrand@pacnp.org or (412) 243-6149.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan M. Schrand', written in a cursive style.

Susan M. Schrand, MSN, CRNP, NP-C
Chief Executive Officer