

601 KAR 13:100. Medical standards for operators of motor vehicles.

RELATES TO: KRS 186.411, 186.440, 186.444, 186.570, 186.577, Chapter 218A, Chapter 311, Chapter 320

STATUTORY AUTHORITY: KRS 186.444, 186.570

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.570 requires the Transportation Cabinet to withhold driving privileges from an individual who has a mental or physical condition that makes it unsafe to drive upon the highways. KRS 186.411 requires that a person with a seizure condition be seizure-free for ninety (90) days prior to licensing. This administrative regulation establishes the standards to be used by the Transportation Cabinet and Medical Review Board in determining who is unsafe to operate a motor vehicle because of a mental or physical condition.

Section 1. Definitions. (1) "Altered consciousness" means a state of awareness characterized by loss or distortion of the impressions made by the senses or the inability to respond to the impressions made by the senses.

(2) "Assessment" means an evaluation of a person's substance abuse performed by a certified chemical dependency counselor, a certified driving under the influence (DUI) assessor, or other mental health professional in a licensed treatment facility.

(3) "Best corrected" means the corrected distance visual acuity of an individual through the use of traditional prescription lenses or contacts.

(4) "Chemical" means alcohol, drug, or controlled substance as established in KRS Chapter 218A.

(5) "Cognition" means the ability to think, perceive, and remember.

(6) "Comorbid" means that more than one (1) condition is present at the same time.

(7) "Corrective lens" means an ophthalmic lens, whether an eyeglass, contact lens, or single lens system, that corrects the refraction error or other optically correctable deficiency of the eye.

(8) "Driving evaluation" means a test conducted to determine if a person adequately compensates for a medical, mental, or physical condition or functional impairment.

(9) "Episode" means any incident or segment of time involving "altered consciousness" or "loss of bodily control."

(10) "Field of vision" means the entire horizontal and vertical planes a person has for each eye without shifting the gaze.

(11) "Functional ability" means the degree of cognitive, mental or emotional, sensorimotor, and sensory capability in performing activities of daily living, including safely performing the tasks of driving.

(12) "Licensed medical specialist" means anyone who is licensed in the Commonwealth of Kentucky to make a medical report, make medical recommendations, or identify risk factors or other conditions within the specialist's scope of medical practice regarding an individual's physical or mental condition.

(13) "Licensing action" means any action by the Transportation Cabinet involving the denial, cancellation, restriction, or issuance of a motor vehicle operator's license pursuant to KRS Chapter 186.

(14) "Loss of bodily control" means involuntary movements of the body characterized by muscle spasms or muscle rigidity, or loss of muscle tone or muscle movement.

(15) "Loss of muscle tone" means the loss of nerve impulses in muscle as distinguished from poor conditioning.

(16) "Medical condition" means any physical, mental, or emotional condition that affects a

person's health for which a person is receiving medical or substance abuse treatment, or for which medical or substance abuse treatment is usually prescribed.

(17) "Mental or emotional function" means interaction and communication skills, adaptive behavior or coping capacity, and orientation.

(18) "Overall condition" means the presence or absence of comorbid conditions or disorders affecting a person's health and information considered by the Medical Review Board or department pursuant to Section 3 of this administrative regulation.

(19) "Review board" means the Medical Review Board established pursuant to KRS 186.444 and 186.570(1)(c).

(20) "Sensory function" means vision, hearing, touch, smell, or vibration sense.

(21) "Vision specialist" means a person licensed to practice optometry as established in KRS Chapter 320, or a physician licensed pursuant to KRS Chapter 311.

Section 2. General Requirements. (1) If the Department of Vehicle Regulation learns that a person applying for, renewing, or holding a motor vehicle operator's license could have a medical condition that might affect safe driving, the department may, pursuant to 601 KAR 13:090 and this administrative regulation, require the person to provide the department with medical information about the person's medical condition. The department shall review the medical information as established in this administrative regulation.

(2) A person holding a Kentucky operator's license or instruction permit shall report to the department medical conditions that adversely affect his or her driving skills.

Section 3. Information to be Considered in Licensing Actions. A person shall be ineligible to apply for, renew, or hold a motor vehicle operator's license if that person does not comply with the standards established in Sections 4 through 11 of this administrative regulation. Pursuant to 601 KAR 13:090, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider:

(1) Any medical condition affecting the person, including:

(a) History of illness;

(b) Severity of symptoms and prognosis;

(c) Complications or comorbid conditions, or both;

(d) Treatment and medications, including effects and side effects, and the person's knowledge and use of medications;

(e) Results of medical tests and reports of laboratory findings;

(f) Medical reports of licensed physicians and licensed medical specialists and rehabilitation specialists;

(g) Recommendations of licensed physicians and licensed medical specialists and rehabilitation specialists with regard to functional impairment;

(h) Identification of risk factors as identified by licensed physicians and licensed medical specialists and rehabilitation specialists; and

(i) "Overall condition" as defined by Section 1.

(2) Reports of driver condition or behavior;

(3) The results of any driving evaluation of the person;

(4) Substance abuse assessment reports from a licensed treatment facility, certified chemical dependency counselor, or certified driving under the influence (DUI) assessor;

(5) Traffic accidents with a police report or citation that could have been caused in whole or in part by a medical condition;

(6) A person's failure to provide requested information to the department; or

(7) A report from a licensed physician, including vision specialists, or other licensed medical

specialists and rehabilitation specialists, including rehabilitation specialists, advanced practice registered nurses, physician assistants, psychologists, physical therapists, occupational therapists, chiropractors, or social workers.

Section 4. Conditions Affecting Cardiovascular Function. (1) With respect to conditions affecting cardiovascular function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

- (a) Cardiac dysfunction;
- (b) Arrhythmias; and
- (c) Other cardiac or circulatory disorder or dysfunction.

(2) The department or the Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require a person to provide information on the person's cardiovascular functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting cardiovascular function of this subsection, and a person who applies for, renews, or holds a motor vehicle operator's license shall meet all of the cardiovascular function criteria established in paragraphs (a) through (g) of this subsection.

- (a) There shall not be current symptoms of coronary artery disease, such as unstable angina, dyspnea, or pain at rest, which interfere with safe driving.
- (b) There shall not be a cause of cardiac syncope present, including ventricular tachycardia or fibrillation, which is not successfully controlled.
- (c) There shall not be congestive heart failure that limits functional ability.
- (d) There shall not be cardiac rhythm disturbances if not successfully controlled.
- (e) There shall not be an automatic implantable cardioverter defibrillator, unless the device is assessed by an electrophysiologist as not interfering with safe driving.
- (f) There shall not be medications interfering with safe driving.
- (g) There shall not be valvular heart disease or malfunction of prosthetic valves that interferes with safe driving.

Section 5. Conditions Affecting Cerebrovascular Function. (1) With respect to conditions affecting cerebrovascular function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

- (a) Cerebrovascular accident; and
- (b) Other cerebrovascular disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on a person's central nervous system functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting cerebrovascular functions of this subsection, and a person who applies for, renews, or holds a motor vehicle operator's license shall meet all of the cerebrovascular function criteria established in paragraphs (a) through (c) of this subsection,

- (a) There shall not be a sensori-motor deficit preventing safe driving.
- (b) There shall not be impairment of reasoning or judgment preventing safe operation of a vehicle.
- (c) There shall not be medications interfering with the person's ability to operate a motor vehicle safely.

Section 6. Conditions Affecting Endocrine Function. (1) With respect to conditions affecting endocrine function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

- (a) Diabetes mellitus; and
- (b) Other endocrine disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on a person's endocrine functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting endocrine functions of this subsection, and a person who applies for, renews, or holds a motor vehicle operator's license shall meet all of the endocrine function criteria established in paragraphs (a) through (c) of this subsection.

(a) There shall not be diabetic neuropathy, retinopathy, or other complication that interferes with safe driving.

(b) There shall not be frequent and functionally impaired hypoglycemic reactions.

(c) There shall not be evidence of use of alcohol or other drugs to an extent that interfere with the person's prescribed treatment program for the condition.

Section 7. Conditions Affecting Musculoskeletal Function. (1) With respect to conditions affecting musculoskeletal function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

- (a) Rheumatoid arthritis;
- (b) Paralysis; and
- (c) Other musculoskeletal disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on a person's musculoskeletal functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting musculoskeletal function of this subsection, and a person who applies for, renews, or holds a motor vehicle operator's license shall meet of the musculoskeletal function criteria established in paragraphs (a) through (c) of this subsection.

(a) Pain shall not interfere with the person's ability to safely operate a motor vehicle.

(b) The person's operation of a vehicle in a driving evaluation demonstrates adequate compensation for any weakness or limitations in range of motion or mobility.

(c) There shall not be effects or side effects of medication interfering with safe driving.

Section 8. Conditions Affecting Neurological or Neuromuscular Function. (1) With respect to conditions affecting neurological or neuromuscular function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

- (a) Central nervous system diseases or disorders;
- (b) Demyelinating diseases;
- (c) Muscular diseases or disorders; and
- (d) Seizure disorders.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on neurological or neuromuscular functional abilities, instances of altered consciousness or loss of bodily control, or disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting neurological or neuromuscular function of this subsection, and a person who applies for, renews, or holds for motor vehicle operator's license shall meet all of the neurological and neuromuscular function criteria established in paragraphs (a) through (e) of this subsection.

(a) There shall not have been a seizure episode as established in KRS 186.411.

(b) The person adequately compensates for any paralysis or sensory deficit while operating a vehicle.

(c) Fatigue, weakness, muscle spasm, or tremor at rest does not impair safe driving.

(d) There shall not be effects of or side effects of medication that interferes with safe driving.

(e) There shall not be a decline in cognition to an extent that interferes with safe driving.

(f) The person shall satisfy the vision and sensory function standards established in Section 11 of this administrative regulation.

Section 9. Conditions Affecting Psychosocial, Mental, or Emotional Function. (1) With respect to conditions affecting psychosocial, mental, or emotional function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

(a) Substance and alcohol abuse; and

Other mental or emotional disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on mental or emotional functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting mental and emotional function of this subsection, and a person who applies for, renews, or holds any classification of operator's license shall meet all of the psychosocial, mental, and emotional function criteria established in paragraphs (a) through (g) of this subsection.

(a) There shall not be dementia that is unresponsive to treatment or that interferes with safe driving.

(b) There shall not be a behavior disorder with threatening or assaultive behavior that interferes with safe driving.

(c) There shall not be a delusional system that interferes with safe driving.

(d) There shall not be a suicidal tendency.

(e) There shall not be an impairment of judgment that interferes with safe driving.

(f) There shall not be an active psychosis that interferes with safe driving.

(g) There shall not be effects or side effects of medication that interferes with safe driving.

Section 10. Conditions Affecting Respiratory Function. (1) With respect to conditions affecting respiratory function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider disorders, including:

(a) Chronic obstructive pulmonary diseases; and

(b) Any other respiratory disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on respiratory functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting respiratory function of the subsection, and a person who applied for, renews, or holds a motor vehicle operator's license shall meet all of the respiratory function criteria established in paragraphs (a) and

(b) of this subsection.

(a) The person does not require medication that interferes with safe driving.

(b) There shall not be dyspnea that interferes with safe driving.

Section 11. Conditions Affecting Vision and Sensory Function. (1) With respect to conditions affecting vision and sensory function, the Medical Review Board, if making recommendations, and the department, if taking licensing action, may consider conditions, including:

(a) Vision loss; and

(b) Any other ocular or sensory disorder or dysfunction.

(2) The department or Medical Review Board may, pursuant to this administrative regulation and 601 KAR 13:090, require information on ocular and sensory functional abilities and disorders.

(3) A motor vehicle operator's license shall not be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting vision and sensory functions of this subsection, and a person who applies for, renews, or holds any classification of operator's license shall meet all of the criteria established in paragraphs (a) and (b) of this subsection for visual acuity and visual fields.

(a) Visual Acuity. Persons with visual acuity of 20/60, best corrected, or better and visual fields in compliance with subparagraph (b) of this subsection shall be eligible for an operator's license.

1. Persons with visual acuity 20/40 or better without corrective lenses shall not have a restriction mandating the use of corrective lenses added to that person's driving privilege.

2. Persons with visual acuity of 20/40 or better with corrective lenses shall have a restriction mandating the use of corrective lenses added to that person's driving privilege.

3. Persons with visual acuity of 20/41, best corrected, in at least one (1) eye with a single lens system, but no worse than 20/60, best corrected, in at least one (1) eye with a single lens system, shall have a restriction pursuant to Section 12 of this administrative regulation added to that person's driving privilege.

4. Persons with visual acuity of 20/61 or worse, best corrected, in at least one (1) eye with a single lens system shall not be eligible to test for an operator's license pursuant to KRS 186.577 and a motor vehicle operator's license shall not be issued to, renewed by, or held by a person with visual acuity of 20/61 or worse, best corrected.

(b) Visual Fields. Persons with a horizontal field of vision in the person's better eye of at least thirty-five (35) degrees to the left and right side of fixation and a vertical field of vision in the person's better eye of at least twenty-five (25) degrees above and below fixation shall be eligible for an operator's license.

1. Visual fields tests required by the department shall be administered by way of a 120-point screening test on an automatic visual fields device.

2. Visual fields test results with over one-third of false positive, false negative, or fixation losses shall be considered unreliable and non-responsive to the department's visual fields test requirement.

(4) A person who does not meet both the visual acuity and the visual fields requirements established in subsection (3) of this section shall not be eligible for a motor vehicle operator's license.

Section 12. License Restrictions. (1) The department may restrict a person's operating privilege based on:

(a) A recommendation of a licensed physician or vision specialist;

(b) The results of a driving examination or evaluation performed by the Kentucky State Po-

lice or a rehabilitation specialist or facility; or

(c) Recommendation of the Medical Review Board.

(2) License restrictions may require a person to:

(a) Wear corrective lenses;

(b) Use special equipment or specially equipped vehicles;

(c) Operate only during daylight hours;

(d) Not operate a vehicle in inclement weather causing decreased visibility;

(e) Restrict the driving area;

(f) Restrict the maximum speed limit; or

(g) Restrict the motor vehicle operating privilege in any other manner which the department deems necessary for safety purposes. (23 Ky.R. 221; Am. 1399; 1594; eff. 10-1-1996; 46 Ky.R. 244, 1263, 1420; eff. 11-18-2019.)