ALABAMA LAW ENFORCEMENT AGENCY
ADMINISTRATIVE CODE

CHAPTER 760-X-20
MEDICAL STANDARDS FOR DRIVER LICENSING

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760-X-20-.01 Purpose And Scope.

The purpose of this chapter is to establish the department's administrative interpretation of the provisions of §32-6-7, §32-6-7.1, Code of Ala. 1975, that relate to the issuance of motor vehicle operator licenses to persons who have a medical condition that may affect their ability to exercise reasonable control over a motor vehicle. This chapter specifies the functional ability

levels necessary to exercise reasonable control of a motor vehicle for all persons applying for or holding an operator's license.

Note: Form used in this chapter are: **Dime-2**-Section A, General Medical Questionnaire; Section B, Mental/Emotional; Section C, Neurological; Section D, Endocrine; Section E, Alcohol/Drugs; Section F, Cardiovascular; Section G, Physicians Recommendations. Dier-2 Certificate of Vision Examination. **DL17**-Driver Condition or Behavior Report.
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760-X-20-.02 Definitions.

The words and phrases defined herein have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

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

(b) "Assessment" means an examination of a person's use of chemicals and development of a driver safety rehabilitation plan for the person by an approved public treatment facility.

(c) "Chemical" means alcohol, a drug as defined in §20-2-22(12), or a controlled substance as defined in §20-2-22 through 31, Code of Ala. 1975.

(d) "Cognitive skill" means the ability to think, perceive and remember.

(e) "Co-existing" or "co-morbid" means that more than one condition is present at the same time.

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

(g) "Driving evaluation" is a test conducted to determine if a person adequately compensates for the person's medical, mental or physical condition or functional impairment.

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

(i) "Field of vision" means the entire horizontal, temporal plane a person has for each eye without shifting the gaze.

(j) "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.

(k) "Licensing action" means any action by the department involving the denial, cancellation, restriction, or issuance of a license endorsement under this chapter.

(l) "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.

(m) "Medical condition" means any physical, mental or emotional condition which affects a person's health for which a person is receiving medical treatment, or for which medical treatment is usually prescribed.

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

(o) "Normal consciousness" means the condition of a person when awake and fully responsive to stimuli.

(p) "Operator's license" means all driver license issued by the Department of Public Safety for the operation of noncommercial vehicles, but including vessels.

(q) "Physical disability" means any physical limitation interfering with the ability to perform the normal tasks associated with operating a motor vehicle.

(r) "Proof of physical fitness" means a certificate of physical examination executed by a person authorized to execute certificates of physical examination under 49 CFR 391.43 which provides that the person being examined meets the physical qualifications for drivers of 49 CFR 391.41.

(s) "Reasonable and ordinary control" means a person has the functional ability to perform the normal tasks required in the safe operation of a motor vehicle or vessel including, but not limited to; placing the vehicle or vessel into motion, executing right and left turns, maintaining position on the roadway/waterway, stopping the vehicle or vessel, exercising proper lookout for other traffic and pedestrians/swimmers, and observing traffic laws, signs and signals.

(t) "Review board" means a medical board established under §32-6-41, Code of Ala. 1975.

(u) "Sensorimotor skills" means reflexes and reaction time, coordination, depth perception, manipulation, range of motion and general mobility.

(v) "Sensory function" means vision, hearing, touch, smell and vibration sense.

(w) "Vision specialist" means a person who practices optometry as defined by §34-22-1, or a physician as defined by §34-24-50, Code of Ala. 1975.

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760-X-20-.03 Medical Review Standards.

(1) Medical Review Standards For Operator Licenses. Whenever the department learns that a person applying for, renewing, or holding an operator's license has a progressive, recurring or debilitating medical condition which may affect safe driving, the department may require the person to provide the department with medical information about the person's medical condition. The department shall review the medical information using the standards specified in this chapter.

(2) Evaluation. A license issued to a person under this chapter may be restricted on the basis of a recommendation of a physician, a vision specialist, a review board, or on the results of a driving examination or evaluation.

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760-X-20-.04 Information To Be Considered In Licensing Actions.

The review boards when making recommendations, and the department when taking licensing action, may consider the following information:

(1) Any medical condition affecting the person including, but not limited to:

(a) History of illness.

(b) Severity of symptoms and prognosis.

(c) Complications or co-morbid 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) Physician's medical report.

(g) Physician's recommendations with regard to functional impairment.

(h) Physician's identification of risk factors.

(2) Reports of driver condition or behavior.

(3) The results of a department screening of a person's vision or hearing.

(4) The results of any examination of the person to test knowledge of traffic laws, road signs, rules of the road, vehicle equipment and safe driving practices, and driving ability.

(5) Alcohol or drug assessment reports.

(6) Traffic accidents that may have been caused in whole or in part by a medical condition specified in this chapter.

(7) Vision specialist's reports.

(8) A person's failure to provide requested information to the department.

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760-X-20-.05 Alcohol Or Other Drug Use.

(1) With respect to a person's chemical use, the review boards when making recommendations, and the department when taking licensing action, may consider all information available on the degree of the person's chemical use.

(2) The department may require information on a person's functional ability including, but not limited to, the following:

(a) Medical assessment of the person or any combination of the following:

1. Hospitalization of the person for chemical abuse or dependency.

2. Outpatient treatment of the person for chemical abuse or dependency.

3. Participation by the person in self-help groups for chemical abuse or dependency.

4. Use of control agents, such as antabuse or methadone by the person.

5. Physician treatment of the person for chemical abuse or dependency.

(b) The results of an interview by a department representative documenting the effects of chemical use on a person's social or economic functioning in terms of any of the following:

1. The person's physical condition.

2. The person's family situation.

3. The person's social environment.

4. The person's chemical use habits.

(c) The person's driving record, including reports of any of the following:

1. Accidents involving chemical use.

2. Traffic convictions involving chemical use.

(d) Review board recommendations, if any.

(e) Information from other sources about the person's physical and mental health, as affected by chemical use, and any medical problems that may interfere with the person's reasonable and ordinary control over a motor vehicle.

(3)(a) A conviction for operating while intoxicated in this section means being convicted of a violation of §32-5A-19, Code of Ala. 1975, or a local ordinance in conformity therewith, or convictions under the law of another jurisdiction that is in substantial conformity with 49 CFR 383.51 (b) (2) (i) or (ii), or both, or that prohibits refusal of chemical testing or use of a

motor vehicle while intoxicated or while under the influence of a controlled substance, or a combination thereof, or with an excess of a specified range of alcohol concentration, or under the influence of any drug to a degree that renders the person incapable of safely driving as those or substantially similar terms are used in that jurisdiction, refusal under §32-5A-194, or revocations under §32-5A-195, Code of Ala. 1975.

(b) No person may hold an of operator's license if the person is diagnosed as suffering from uncontrolled chemical abuse or dependency, as assessed by a physician or treatment facility.

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760-X-20-.06 Conditions Affecting Cardiovascular Function.

(1) With respect to conditions affecting cardiovascular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Coronary artery disease, including myocardial infarction.

(b) Congestive heart disease.

(c) Valvular disease or replacement valves.

(d) Congenital heart disease.

(e) Cardiomyopathy.

(f) Pericardial disease.

(g) Myocarditis.

(h) Cor pulmonale.

(i) Conduction difficulties.

(j) Arrhythmias.

(k) Aortic or arterial occlusion or aneurysm.

(2) The department may require a person to provide information on the person's functional ability including, but not limited to, the following:

(a) Hypertension.

(b) Orthostatic hypotension.

(c) Presence of pain and its frequency, location, duration and intensity.

(d) Syncope or presyncopal sensations.

(e) Procedures which correct a cardiovascular condition and which temporarily impair functional ability, including surgical procedures such as a coronary artery bypass graft.

(f) Pacemaker function.

(g) Implanted defibrillator function.

(h) Results of procedures such as an electrocardiogram, stress test with thallium scan, angiography, multigated acquisition scan, echocardiogram, or electrophysiologic studies.

(i) Cardiac drug use, including rhythm control drugs, antianginal agents, cardiac glycosides, antihypertensive medication and side effects of these medications.

(j) Cardiac transplantation.

(3)(a) Licensing standards. No operator's license may 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.

(b) Medical standards for operators licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following cardiovascular function criteria:

1. There are no current symptoms of coronary artery disease, such as unstable angina, dyspnea, or pain at rest, which interfere with safe driving, as assessed by a physician or determined through a driving evaluation.

2. There is no cause of cardiac syncope present, including ventricular tachvcardia or fibrillation, which is not successfully controlled.

3. There is not congestive heart failure that limits functional ability and is assessed by a physician as interfering with safe driving.

4. Any cardiac rhythm disturbances are successfully controlled.

5. There is no automatic implantable cardioverter defibrillator, unless the device is assessed by and electrophysiologist as not interfering with safe driving.

6. There are no medications interfering with safe driving.

7. There is no valvular heart disease or malfunction of prosthetic valves that is assessed by a physician as interfering with safe driving.

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760-X-20-.07 Conditions Affecting Cerebrovascular Function.

(1) With respect to conditions affecting cerebrovascular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Cerebro-vascular accident.

(b) Transient ischemic attacks.

(c) Carotid artery occlusion.

(d) Aneurysm.

(e) Brain or head injury.

(2) The department may require information on a person's functional ability including, but not limited to, the following:

(a) Hypertension.

(b) Residual motor control effects, such as limb paralysis.

(c) Memory loss.

(d) Impaired reasoning and judgment.

(e) Disorientation.

(f) Visual disturbances.

(g) Altered consciousness.

(h) Compensatory mechanisms.

(i) Medication effects and side effects.

(j) Diagnostic procedures.

(3)(a) Licensing standards. No operator's license may be issued to, renewed by, or held by a person who does not meet the applicable medical review standards for conditions affecting cerebrovascular function of this subsection.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following cerebrovascular function criteria:

1. There is no motor deficit preventing safe driving.

2. There is no impairment of reasoning or judgment preventing safe operation of a vehicle, as assessed by a physician.

3. The person's diastolic blood pressure is less than 120 millimeters of mercury, with or without medication, based on a reading within 90 days preceding application.

4. There are no medications interfering with the person's ability to operate a motor vehicle safely.

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760-X-20-.08 Conditions Affecting Endocrine Function.

(1) With respect to conditions affecting endocrine function, the review boards, when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Diabetes mellitus.

(b) Pituitary disorders.

(c) Thyroid disorders.

(d) Parathyroid disorders.

(e) Adrenal Dysfunction.

(2) The department may require information on a person's functional ability including, but not limited to, the following:

(a) Hypoglycemia.

(b) Hyperglycemia.

(c) Complications of condition.

(d) Reliability of the person in following a prescribed treatment program.

(e) Weakness.

(f) Fluid and electrolyte imbalance.

(g) Mental change.

(h) Hypokalemia.

(i) Frequency of symptoms.

(j) Medication effects and side effects.

(3)(a) Licensing standards. No license may 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.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following endocrine function criteria:

1. There is no diabetic neuropathy or other complication with interferes with safe driving, as assessed by a physician or determined through a driving evaluation.

2. There are no frequent and functionally impairing hypoglycemia reactions.

3. There is no evidence of use of alcohol or other drugs to an extent that interferes with the person's prescribed treatment program for the condition.

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760-X-20-.09 Conditions Affecting Musculoskeletal Function.

(1) With respect to conditions affecting musculoskeletal function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Rheumatoid arthritis.

(b) Osteoarthritis.

(c) Lupus erythematosus.

(d) Osteomyelitis.

(e) Osteoporosis.

(f) Paralysis.

(2) The department may require information on a person's functional ability including, but not limited to, the following:

(a) Reduced range of motion.

(b) Pain.

(c) Stiffness.

(d) Reduced mobility.

(e) Medication effects and side effects.

(3)(a) Licensing standards. No license may 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.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following musculoskeletal function criteria:

1. Pain does not interfere with the person's ability to safely operate a motor vehicle, as assessed by a physician or determined through a driving evaluation.

2. The person's operation of a vehicle demonstrates adequate compensation for any weakness of limitations in range of motion of mobility.

3. There are no effects or side effects of medication interfering with safe driving.

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History: **New Rule:** Filed March 12, 1996; effective April 16, 1996.

760-X-20-.10 Conditions Affecting Neurological Or Neuromuscular Function.

(1) With respect to conditions affecting neurological or neuromuscular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Cerebral palsy.

(b) Multiple sclerosis.

(c) Muscular dystrophy.

(d) Myasthenia gravis.

(e) Neuralgia or neuritis.

(f) Parkinson's disease or other extrapyramidal disorders or symptoms.

(g) Poliomyelitis.

(h) Seizure disorders.

(i) Spinal cord injury.

(j) Brain injury.

(2) The department may require information on functional ability including, but not limited to, the following:

(a) Episodes of altered consciousness or loss of bodily control.

(b) Degree of functional impairment, including the following:

1. Extent to which loss of muscle tone, movement, or spasm affects functional ability.

2. Extent to which fatigue affects functional ability.

(3)(a) Licensing standards. No license may 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.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds for an operator's license shall meet all of the following neuromuscular function criteria:

1. There has been no episode of altered consciousness or loss of bodily control caused by a neurological condition within the 6 months preceding application.

2. The person adequately compensates for any paralysis or sensory deficit when operating a vehicle.

3. Fatigue, weakness, muscle spasm or tremor at rest does not impair safe driving, as assessed by a physician or determined through a driving evaluation.

4. There are no effects or side effects of medication that interferes with safe driving.

5. There is no decline in cognition to an extent that interferes with safe driving.

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760-X-20-.11 Conditions Affecting Peripheral-Vascular Function.

(1) With respect to conditions affecting peripheral-vascular function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Thrombophlebitis.

(b) Thromboangilitis obliterans.

(c) Arteriosclerosis or atherosclerosis.

(d) Any impairment of peripheral circulation.

(2) The department may require information on functional ability including, but not limited to, the following:

(a) Tissue ischemia.

(b) Pain.

(c) Weakness.

(d) Impaired mobility.

(e) Numbness.

(f) Procedures that a person undergoes to correct a peripheral-vascular condition and that temporarily impair functional ability, such as a surgical procedure.

(g) Medication effects and side effects.

(3)(a) Licensing standards. No license may be issued to, renewed by, or held by a person who fails to meet the medical review standards for peripheral-vascular function of this subsection.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds for an operator's license shall meet all of the following peripheral-vascular function criteria:

1. The person compensates adequately for any limitations in mobility or circulation in operating a motor vehicle.

2. There is no fatigue, weakness, muscle spasm or tremor at rest sufficient to impair safe driving, as assessed by a physician or determined through a driving evaluation.

3. There are no symptoms of the condition while the person is at rest.

4. There are no effects of medication that interfere with safe driving.

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History: **New Rule:** Filed March 12, 1996; effective April 16, 1996.

760-X-20-.12 Conditions Affecting Psychosocial, Mental Or Emotional Function.

(1) With respect to conditions affecting psychosocial, mental or emotional function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Schizophrenia.

(b) Personality disorders.

(c) Manic-depressive psychosis or bi-polar disorder.

(d) Delusional disorders.

(e) Dementia and organic brain syndromes.

(f) Other mood disorders.

(2) The department may require information on functional ability including, but not limited to, the following:

(a) Impaired impulse control.

(b) Reality testing and orientation.

(c) Impaired affect or mood.

(d) Asocial, anti-social or dissocial behaviors.

(e) Impulse control.

(f) Suicidal risk.

(g) Cognitive impairment.

(h) Treatment program, including medications and compliance.

(3)(a) Licensing standards. No license may be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting psychosocial, mental and emotional function of this subsection.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds for an operator's license shall meet all of the following mental and emotional function criteria:

1. There is no dementia that is unresponsive to treatment.

2. There is no behavior disorder with threatening or assaultive behavior at the time of application.

3. Any delusional system does not interfere with safe driving, as assessed by a physician.

4. There is no suicidal tendency at the time of application.

5. There is no impairment of judgment that interferes with safe driving as assessed by a physician.

6. There is no active psychosis that interferes with safe driving, as assessed by a physician.

7. There are no effects or side effects of medication that interfere with safe driving.

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760-X-20-.13 Conditions Affecting Respiratory Function.

(1) With respect to conditions affecting respiratory function, the review boards when making recommendations, and the department when taking licensing action, may consider disorders including, but not limited to, the following:

(a) Chronic obstructive pulmonary disease.

(b) Asthma.

(c) Emphysema.

(d) Bronchitis.

(e) Tuberculosis.

(f) Silicosis.

(g) Pulmonary emboli.

(h) Pulmonary hypertension.

(i) Pulmonary tumors.

(2) The department may require information on functional ability including, but not limited to, the following:

(a) Incapacitating cough.

(b) Shortness of breath.

(c) Dyspnea.

(d) Inadequate ventilation.

(e) Fatigue.

(f) Right ventricular enlargement.

(g) Acute respiratory failure.

(h) Hypoxemia or hypercapnia.

(i) Need for medication or oxygen therapy.

(j) Pulmonary function tests.

(3)(a) Licensing standards. No license may be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting respiratory function of this subsection.

(b) Medical standards for operator licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following respiratory function criteria:

1. The person does not require medication that interferes with driving.

2. There is no dyspnea that interferes with safe driving, as assessed by a physician or determined through a driving evaluation.

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760-X-20-.14 Conditions Affecting Sensory Function.

(1) With respect to conditions affecting sensory function, the review boards when making recommendations, and the department when taking licensing action, may consider conditions including, but not limited to, the following:

(a) Cataracts.

(b) Macular degeneration.

(c) Retinitis pigmentosa.

(d) Diabetic retinopathy.

(e) Glaucoma.

(f) Deafness.

(2) The department may require information on functional ability including, but not limited to, the following:

(a) Visual acuity.

(b) Field of vision.

(c) Hearing.

(3)(a) Licensing standards. No license may be issued to, renewed by, or held by a person who does not meet the medical review standards for conditions affecting sensory functions of this subsection.

(b) Corrective lenses. A person needing corrective lenses to meet the standards in his section shall be restricted to use of those lenses while driving. No person may use a bioptic telescopic or similar lens in order to meet the visual acuity standards in this subsection.

(c) Medical standards for operator licenses. A person who applies for, renews, or holds an operator's license shall meet all of the following criteria:

1. Visual acuity of at least 20/60 or better in at least one eye, as assessed by a vision specialist.

2. A horizontal, temporal field of vision of 110 degrees or more from center.

(d) Referral or evaluation. The department shall refer a person for examination by a vision specialist as specified in subds. 1 and 2 and shall restrict any license issued to a person having a vision condition specified therein as follows:

1. If a person has uncorrected visual acuity of less than 20/40 in each eye, but at least 20/50 in one eye, the department shall refer the person to a vision specialist for examination and an advisory recommendation. The person shall complete a driving evaluation if recommended by the vision specialist. The person's license shall be assigned restrictions, such as driving only during daylight hours based upon a recommendation from the vision specialist.

2. If a person has horizontal, temporal field of vision of less than 110 degrees from center, the person shall be referred to a vision specialist for an examination and an advisory recommendation. The person shall complete a driving evaluation. The person's license shall be restricted to driving with outside rear view mirrors to compensate for the loss of field of vision. The person's license may be subject to additional license restrictions, such as driving only during daylight hours, but these additional restrictions may be waived based on a recommendation from a vision specialist and a driving evaluation demonstrating adequate compensation for the loss of field of vision.

Author: Lieutenant F. A. Bingham

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History: New Rule: Filed March 12, 1996; effective April 16, 1996.

760-X-20-.15 License Restrictions.

(1) The department may restrict a person's operating privilege based on any of the following:

(a) A recommendation of a physician or vision specialist.

(b) The results of a driving examination or evaluation.

(2) License restrictions may require a person to wear corrective lenses, use specially equipped vehicles, wear a hearing aid, operate only during daylight hours, restrict a person's driving area, or restrict a person's operating privilege in any other manner which the department deems necessary for safety purposes.

(3) License restrictions shall apply to all classes of vehicles whose operation is authorized by the license, unless the restriction is specifically limited to a certain class or classes.
Author: Lieutenant F. A. Bingham
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13, as amended.
History: New Rule: Filed March 12, 1996; effective April 16, 1996.

760-X-20-.16 Periodic Reports.

The department may require a person who has a progressive, recurring or debilitating condition to submit to follow-up examinations and reports by a physician or vision specialist as a condition of licensure.
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760-X-20-.17 Driving Evaluation.

If a physician or vision specialist recommends that the person complete a test of driving ability, the driving evaluation or examination shall be in a vehicle representative of the highest

licensing classification the person holds or for which the person is applying.
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760-X-20-.18 Medical Review Boards.

(1) In those cases in which the Department is unable to make a determination regarding a person's eligibility to safely operate a motor vehicle, the person's case will be submitted to a panel of three doctors who are specialists in the medical condition which affects the person's ability to safely operate a motor vehicle.

(2) Prior to the submission to a medical review board, the Department will give written notice to the person by first class mail sent to the person's most recent mailing address on file with the Department that their case is being submitted to a medical review board, that they have 14 days to submit to the Department any information they wish to be considered by the review board including information from any advocacy groups.

(3) A review board may assess the person's medical history and make a recommendation to the Department.
Author: Lieutenant F. A. Bingham
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13, as amended.
History: **New Rule:** Filed March 12, 1996; effective April 16, 1996.

760-X-20-.19 Notice Of Department Licenses Actions.

(1) Persons affected by any departmental medical licensing actions shall be given written notice thereof by first class mail sent to the person's most recent mailing address on file with the Department.

(2) A notice of license denial or cancellation shall include the specific reasons for the action and information on applicable review and appeal procedures.
Author: Lieutenant F. A. Bingham
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13, as amended.
History: **New Rule:** Filed March 12, 1996; effective April 16, 1996.

760-X-20-.20 Administrative Review Of Department Medical Licensing Actions.

(1) Persons denied a driver license or whose license is suspended, revoked or cancelled for medical reasons may within 14 days of notice of such action request review of such action in an administrative hearing.

(2) The administrative hearing will be before an independent hearing officer who is an attorney or otherwise qualified person.

(3) Medical reports, medical literature and the reports and recommendations of physicians will be admissible in such hearings without the necessity of the personal appearance of the physician or person who prepared such reports or recommendations.

(4) Hearings will be conducted in Montgomery, Mobile, Birmingham or Huntsville, Alabama.

(5) The Department of Public Safety will be represented at such hearings by a person from the Department's Medical unit familiar with the person's case.
Author: Lieutenant F. A. Bingham
Statutory Authority: Code of Ala. 1975, §§32-2-9, 32-6-13, as amended.
History: **New Rule:** Filed March 12, 1996; effective April 16, 1996.

760-X-20-.21 Licensing Requirements For Bioptic Lens Users.

Individuals with suboptimal visual acuity pose a special challenge for assessment and licensing by the Alabama Department of Public Safety (DPS). In its present form, the driver license evaluation and testing process is not sufficient to adequately evaluate a person who requires a bioptic lens to enhance central visual acuity. These applicants will require a certifying exam by an ophthalmologist or optometrist, basic bioptic training, a thorough pretest evaluation to determine if any other cognitive impairment or physical disabilities exist, and then a rigorous road test evaluation. A Certified Driving Rehabilitation Specialist (CDRS) must perform these last two functions.

The following is an outline of the criteria pertinent to the licensing of drivers who require bioptic assistance for improvement of visual acuity. Many other states have bioptic programs, which have been implemented with varying degrees of success. Much of what follows has been adopted from other states as well as the current published research.

(1) **Visual Acuity (VA)** - Must be at least 20/200 in each eye using the carrier lens. When using the bioptic the VA must be at least 20/60. The rationale for choosing 20/60 is that this is the current VA standard in Alabama. Power of the bioptic should not exceed 4X. These measurements will be initially assessed by the person's ophthalmologist or optometrist and then will be verified by the CDRS.

(2) **Visual Field Requirement** - Visual field should extend at least to 110 degrees across the horizontal field and to at least 80 degrees across the vertical field. (Note: Visual fields are to be measured with carrier lens or its equivalent. A bioptic will artificially limit the superior extent of the vertical visual field.) An individual who requires bioptics has compromised central vision and, therefore, it is important that the peripheral vision be adequate. The assessment of visual field should be performed by the person's ophthalmologist or optometrist, subject to confirmation by the CDRS.

(3) **Other Functional Criteria** - The applicant shall be free of cognitive impairment as determined by the Mini-mental Status Exam (MMSE) of greater or equal to 24 as administered by the CDRS. No significant impairment in the movement of the eyes, head, or neck should be present as determined by the CDRS. The applicant must successfully pass the DPS standard written licensing exam.

(4) **Written Exam for Licensing** - This will be the standard exam administered by the DPS for driver's license certification in the State of Alabama with the exception that accommodations for vision impairment (large print or assistant) will be allowed.

(5) **Bioptic Training** - Once the above minimum criteria have been met, the applicant must produce proof of adequate training completed in a satisfactory manner in the proper use of the bioptic in everyday life. A certificate of completion of said training must be presented to the CDRS before driving-specific training begins. This training must be performed by a qualified professional skilled in the use of bioptic lenses. A Master List of qualified professionals will be made available. See Appendix A for training guidelines.

(6) **Driver Training for the New Bioptic Driver** - Training will consist of in-clinic and on-road training by a certified driving rehabilitation specialist (CDRS). For first-drivers, training will be longer than for experienced drivers.

(7) **Bioptic Driving Training Program** - Training involves specific issues in the proper use of the bioptic while driving, application of the rules of the road, and all other aspects of general driving principles, as they specifically

relate to using a bioptic. Preliminary training will occur in the clinic on basic techniques prior to on-road teaching.

(8) **Duration of Bioptic Driver Training** - There will be sufficient time devoted to allow for thorough evaluation and training to demonstrate driving competence to the CDRS.

(9) **Driver Permit** - A permit to drive or a waiver letter allowing a bioptic driver to drive while accompanied by a CDRS will be required from the Department of Public Safety prior to initiation of bioptic driver training. The written examination for an operator's driver license must be passed before this permit is issued. This permit/waiver will not be granted until the person provides a form issued by DPS and signed and completed by the person as well as a CDRS stating the person meets the requirements of Sections 1, 2, 3, 4 and 5 above as well as any other criteria established by this rule. This will apply to new drivers as well as previously licensed drivers.

(10) **Drivers Previously Licensed for Bioptic Driving in Other States** - If these applicants meet the visual and other functional requirements for bioptic driving in Alabama and pass the written test, then they will be eligible for a permit/waiver. The applicant then must be evaluated by a CDRS to verify that on-road bioptic driving skills are intact. Training may not be necessary unless the evaluation reveals skills are substandard, at which time the full training program will be required. These individuals may qualify using their previous out of state license for up to 30 days.

(11) **Bioptic Training Completion** - The CDRS will submit a report to the DPS indicating whether bioptic driver training was completed successfully or not and whether or not the driver meets standards. If the driver meets standards, DPS shall administer the State's standard on-road evaluation. The driver must successfully pass the State's standard on-road evaluation before being licensed to drive.

(12) **Subsequent Evaluation** - Minimum requirements for Visual Acuity and Visual Field must be certified annually after initial bioptic licensure by an ophthalmologist or optometrist. An annual review of the driving record should occur. If an at-fault motor vehicle collision (as indicated on the Accident Report) occurs, the individual must be evaluated by a CDRS to ensure that basic on-road skills for bioptic driving are still intact prior to resuming operation of a motor vehicle.

(13) **Restrictions on Bioptic Licensure** - Drivers with bioptic licensure will only be licensed for day driving. This restriction to daytime driving shall be removed if the license driver:

(a) Drives for twenty-four (24) months without any at-fault accidents and without any license suspensions;

(b) Successfully completes additional evaluation and training specifically designed for night driving from a CDRS; and

(c) Passes a comprehensive night driving examination administered by a CDRS.

The driver must submit written documentation from a CDRS stating they meet the qualifications for removal of the day driving only restriction.

(14) **Evaluation of Bioptic Licensure Program** - DPS will establish a database of all drivers licensed for bioptic usage and conduct a formal evaluation of the program two years after its inception, and then again two years later, in order to meet the Department's mission of protecting the safety of Alabamians. DPS will conduct process evaluation of the program and evaluate safety record of drivers relative to the general population of drivers of similar age. The Medical Advisory Board shall review results.

(15) **Conflicting Regulations** - To the extent this regulation conflicts with current DPS regulations this regulation shall prevail.

Author: Lt. Terry Chapman; Jack Curtis
Statutory Authority: Code of Ala. 1975, §§32-2-9; 32-6-13, as amended.
History: **New Rule:** Filed March 16, 2005; effective April 20, 2005.

760-X-20-A **Appendix A.**

BASIC BIOPTIC TRAINING

Purpose: This document provides a brief narrative of the suggested minimum requirements for bioptic training that an individual must master prior to proceeding to a formal driver-training program.

General: A bioptic is two lenses with separate functions combined into one. The parts are referred to as the carrier lens and the telescope. The carrier is used for scanning and the telescope located near the top of the carrier lens is used for spotting. A trioptic has the above carrier and telescope lens components with the addition of bifocal added in the lower portion of the lens for focusing at near. Successful training of an individual in the proper use of bioptics requires the user to demonstrate an understanding to the basic tenant that the telescopic portion of the lens is used for periodic, brief spotting and the carrier portion for all other visual tasks.

Bioptic training should be progressive, working from easier tasks to more difficult tasks. The emphasis should be on scanning, identification, tracking and visual memory. The user should demonstrate their skills while stationary and while moving as happens when traveling by automobile.

I. Basic care of the bioptic lens

A. Maintaining the lenses in best operating condition by proper cleaning techniques.

II. Basic mobility and bioptic use

A. Demonstrate good walking mobility while looking through the carrier portion of the lens.

B. Demonstrate basic understanding of the bioptic function.

1. Demonstrate the ability to spot through the telescope by aligning it with the target and spotting through it.

2. Demonstrate the ability to return gaze from the telescope to the carrier lens in a smooth and efficient fashion.

III. Scanning - carrier lens

A. Demonstrate good horizontal and vertical scanning techniques through the carrier lens.

IV. Advanced target practice - scan with the carrier lens, spot and identify targets with the telescope.

A. Scan, spot and identify the characteristics of stationary targets of varying size and distance from a stationary position.

1. Practice should incorporate stationary targets associated with driving including traffic signals, street signs, highway markers, etc.

B. Scan, spot, identify and track moving targets of varying size and distance from a stationary position.

1. Practice should incorporate moving targets associated with driving including automobiles, bicycles, motorcycles, pedestrians, etc.

C. Scan, spot and identify stationary targets of varying size and distance while moving (as a passenger in a car, bus or other vehicle, for example.)

1. Practice should incorporate stationary targets associated with driving including traffic signals, street signs, highway markers, etc.

D. Scan, spot and track moving targets of varying size and distance while moving as a passenger in a car, bus or other vehicle.

1. Practice should incorporate moving targets associated with driving including automobiles, bicycles, motorcycles, pedestrians, etc.

Author: Lt. Terry Chapman; Jack Curtis
Statutory Authority: Code of Ala. 1975, §§32-2-9; 32-6-13, as amended.
History: **New Rule:** Filed March 16, 2005; effective April 20, 2005.