**Section 1030.16 Physical and Mental Evaluation**

a) The Department shall require a driver to submit a medical report from a competent medical specialist when:

1) The driver answers in the affirmative to any question on the driver's license application regarding physical or mental health pursuant to IVC Section 6-109.

2) The Department receives written comments and/or recommendations based upon firsthand knowledge or pursuant to an official investigation that brings into question a driver's physical or mental ability to safely operate a motor vehicle. The comments and/or recommendations are confidential and must be submitted on official letterhead or a form designed by the Department and signed by an authorized source.

3) The Department receives an Adjudication of Disability court order in which where the court appointed a guardian to manage the financial affairs or the estate of the person.

4) The driver is renewing a driver's license that, at the time of issuance, required the driver to submit a medical report, except as provided in subsection (l).

5) The Department receives a mandatory law enforcement report or message, based on first-hand knowledge or pursuant to an official investigation, that brings into question a driver's physical or mental ability to safely operate a motor vehicle.

6) A driver, cited under Section 1030.15, is involved in a motor vehicle crash during a road exam.

b) The Department shall cancel or medically deny driving privileges upon receipt of an Adjudication of Disability order in which the court appointed a guardian to make responsible decisions concerning the care of the person or of both the person and his/her financial affairs or estate, or the Department receives an order finding the driver unfit to stand trial.

1) The notice of cancellation shall be mailed to the court-appointed guardian and the driver.

2) The cancellation order shall remain in effect until the court issues an order terminating the adjudication of disability or the driver is found fit to stand trial.

3) After receipt of an order of restoration, the Department shall request a favorable medical report. Upon receipt of a favorable medical report, the cancellation order shall be terminated and the person may reapply for driving privileges as outlined in IVC Section 6-106.

c) The Department shall cancel or medically deny a driver pursuant to IVC Sections 6-103(8) and 6-201(a)(5), if one or more of the authorized sources submits a mandatory law enforcement report or a signed, written notification on official letterhead to the Department that, based upon firsthand knowledge or pursuant to an official investigation, the person was the driver of a motor vehicle involved in any type of accident or incident resulting from a seizure, an attack of unconsciousness or a blackout.

1) Following a cancellation or denial of driving privileges, the driver must submit a medical report to be forwarded to the Board and abide by all subsequent requests by either the Department or the Board, if any, for further information and/or clarification prior to being eligible to reapply.

2) Any medical reports and/or other information concurrently or subsequently received by the Department shall be referred along with the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (j).

d) The Department is authorized to cancel, pursuant to IVC Section 6-201(a)(8), any driver's license or permit upon determining that a driver failed to report to the Secretary of State, within 10 days after the driver became aware of the condition, as required by IVC Section 6-116.5, the existence of a medical condition that is likely to cause loss of consciousness (i.e., inability of the driver to sustain consciousness throughout the entire interval in which he/she intends to drive) or loss of ability to safely operate a motor vehicle. If a driver's license is canceled and a favorable medical report is subsequently received, the cancellation shall be rescinded.

e) When a driver is required to submit a medical report or clarification on a questionable report pursuant to subsections (a)(2), (3) and (5), the Department shall furnish the appropriate form to the driver to be completed by a competent medical specialist. The driver must resubmit the completed medical report or requested information to the Department within 20 days.

1) If a medical report is not received by the Department within 20 days, the driver's license shall be canceled or the driver medically denied driving privileges.

2) If a driver's license is canceled and a preliminary favorable report or favorable medical report is subsequently received, the cancellation shall be rescinded, provided an unfavorable medical report is not received.

f) If a driver fails to submit a medical report pursuant to subsection (a)(4), the Department shall cancel or medically deny driving privileges pursuant to IVC Sections 6-103(8) and 6-201(a)(5). If the Department subsequently receives a preliminary favorable report or favorable report, the cancellation shall be rescinded, provided an unfavorable medical report is not received.

g) Except as provided in subsection (k), if, pursuant to subsection (a), the Department receives a favorable medical report, the Department shall authorize the issuance or renewal of driving privileges, unless the driver is otherwise ineligible.

h) If, pursuant to subsection (a), the Department receives an unfavorable medical report, the Department shall cancel or medically deny the driving privileges pursuant to IVC Sections 6-103(8) and 6-201(a)(5).

i) Except as provided in subsection (k), if, pursuant to subsection (a), the Department receives a preliminary favorable report, the Department shall authorize the issuance or renewal of driving privileges, unless the driver is otherwise ineligible. The Department shall then make a further determination as to the type of information and/or clarification that is needed in order to finish processing the report.

1) If the report is incomplete or not current, a request shall be made to the driver to obtain the necessary information required to process the report.

A) If the Department requests additional information from the driver, and the Department does not receive this information within 45 days after the written request, the Department shall cancel or medically deny the renewal of the driving privileges pursuant to IVC Sections 6-103 and 6-201.

B) If a cancellation order is entered based upon an incomplete medical report or one that is not current, and information is received to make the medical report favorable or preliminarily favorable, a rescind order shall be entered, provided an unfavorable medical report is not received.

2) If the report is questionable, the Department may forward the medical report to the Board for determination as to the driver's ability to safely operate a motor vehicle as outlined in subsection (j).

j) If the Department receives a report from a competent medical specialist indicating the driver failed to abide by any of the terms of the medical agreement, the Department shall:

1) cancel or medically deny the driving privileges if the medical report does not contain a professional opinion that the driver can safely operate a motor vehicle, and may, pursuant to subsection (k), forward the entire case to the Board for determination as to the driver's ability to safely operate a motor vehicle; and

2) forward the entire case to the Board for determination as to the driver's ability to operate a motor vehicle, if the medical report or medical statement contains a professional opinion that the driver can safely operate a motor vehicle; and

3) cancel or medically deny driving privileges if the medical report or medical statement contains a professional opinion that the driver cannot safely operate a motor vehicle; the entire file shall be considered an unfavorable medical report as outlined in subsection (g).

k) The Department shall forward a driver's case to the Board when:

1) the driver was medically denied or canceled based upon the Board's last recommendation;

2) the Board has requested to review intermittent reports;

3) a different competent medical specialist submits a favorable medical report contradictory to an unfavorable medical report on file that was used as the basis to deny or cancel driving privileges;

4) the Department receives a request from a driver who wishes to have all medical reports on file with the Department reviewed by the Board;

5) the Department receives a request from a driver who wishes to appeal a Type B, C, D, E, F, G, J01 or any other medical restriction that has been added to a driver's license or permit pursuant to Section 1030.92; or

6) the driver, after a cite, was involved in a motor vehicle crash during a road exam.

l) When a case is referred by the Department to the Board for review, the case shall be initially reviewed in the following manner:

1) The Department shall assign the case to an individual Board member based upon the member's specialty or field of expertise. The Department shall serve as a correspondent for the collection and distribution of all medical reports and/or other information between the driver and the Board.

2) Upon receipt of the case from the Department, the individual Board member shall review the entire file and prepare an informal determination regarding the driver's medical ability to safely operate a motor vehicle for submission to the Chairperson.

A) The Board member shall consider the driver's past driving record as evidenced by the driving abstract, medical reports, and any other medical or other information deemed to have probative value by the Board member regarding the driver's medical case.

B) The Board member shall consider any medications and/or rehabilitative devices currently being used or available to the driver.

C) The Board member shall use the medical criteria listed in Section 1030.18 when reviewing the driver's medical condition.

3) When reviewing a medical case, the Board member may require the driver to submit to further medical examinations and/or a driving assessment conducted by a driver rehabilitation specialist and to agree to make the results of these examinations/assessments available to the Board member for use in rendering an informal determination.

A) The driver shall be solely responsible for the selection, scheduling and expenses related to any additional examinations/assessments that may be required.

B) While the Board member may designate the type of physician, medical specialist or driver rehabilitation specialist from whom the driver needs further examination/assessment, the Board member shall not recommend a particular physician, medical specialist or driver rehabilitation specialist.

C) The driver shall have up to 45 days from the date of the Department's written request to submit additional reports.

D) The driver's license of any driver who refuses to submit to additional examinations as requested, or refuses to make these reports available to the Board member, shall be canceled or medically denied until the driver complies with the Board member's request and the Board member is able to render an informal determination to the Chairperson pursuant to IVC Sections 6-103 and 6-201.

4) The informal determination shall include the medical condition of the driver and the limitations associated with the condition that could reasonably impair a driver's ability to safely operate a motor vehicle; the scope of driving privilege, if any; and the reasons for the Board member's decision.

5) All stages of the informal determination process shall be made as soon as possible, given the individual Board member's and Chairperson's caseload and the complexity of the case.

6) The name of the Board member rendering the informal determination shall not be disclosed.

m) Upon receipt of the informal determination from the Board member, the Chairperson shall make a formal determination to the Department regarding the driver's medical fitness to safely operate a motor vehicle and the scope of licensure, if any, including the use of mechanical devices and/or other conditions for driving.

1) The formal determination by the Chairperson shall include the existence of the medical condition and/or limitation that may impair the driver's ability to safely operate a motor vehicle.

2) The formal determination shall also be based upon the Findings of Fact and opinion of the individual Board member, including, but not limited to, medical evaluations, reports submitted by medical specialists, including driver rehabilitation specialists, medications taken by the driver, the driving record, and other scientifically recognized information commonly accepted in the medical profession.

3) The formal determination shall also indicate the scope of driving privileges that would enable the driver to safely operate a motor vehicle, including the extent to which compensatory aids and devices must be used and may require the person to complete any rehabilitation or training recommended by the rehabilitation specialist.

4) In the event driving privileges are restricted or denied, the formal determination shall also state the reasoning for the restriction or denial in accordance with the medical criteria stated in Section 1030.18.

5) The Chairperson shall have the authority to confer with the Board member who rendered the determination, in the event the Chairperson needs to confirm or clarify any portion of the Board member's informal determination.

n) Upon receipt of the formal determination, the Department shall take the appropriate action, in accordance with the recommendation of the Chairperson, on behalf of the Board.

1) If the Department receives a recommendation from the Board that in its professional opinion the driver is not medically fit to safely operate a motor vehicle, the Department shall enter an order canceling or medically denying driving privileges pursuant to IVC Sections 6-103 and 6-201.

2) If the Department receives a recommendation from the Board that in its professional opinion the driver is medically fit to safely operate a motor vehicle, the Department shall rescind or terminate any medically related cancellation or cancellation entered pursuant to Section 1030.15(e).

o) If a driver wants to contest a restriction, cancellation or denial of driving privileges, the Department must receive a written request from the driver for a panel review of the medical case within 30 days after the action taken by the Department. Panel review of the driver's medical case shall be made by a panel of three Board members selected by the Chairperson based upon the Board member's specialty or field of expertise. The Board member who rendered the formal determination shall participate in the panel review process. The following procedure shall apply to the medical case under panel review:

1) The Department shall notify the driver immediately and confirm the driver's request for panel review within seven working days after receipt of the written request.

2) The driver has 45 days from the date of the notice to submit all additional medical reports to the Department for consideration by the panel.

3) The driver may furnish additional medical reports and/or statements for review by the panel. The document must be returned to the Department at the address indicated on the confirmation notice.

4) The Department, at the direction of the Chairperson, shall prepare and forward the medical case to the panel upon receipt of the documents from the driver, or a written statement from the driver indicating the decision not to submit additional reports and to proceed with the review, or at the expiration of 45 days, whichever occurs first.

5) Each panel member shall consider the contents of the file that was used to make the formal determination, including additional medical reports submitted by the driver and any new entries listed on the driver's driving record. The panel shall use the same medical criteria and procedure that apply when reviewing an individual case, including the authority to request additional medical examinations as found in subsection (l)(3). The panel shall only consider evidence in written form. No oral testimony shall be allowed during this type of review.

6) The formal determination under panel review shall be made as soon as reasonably possible given the Board members' and Chairperson's caseload, and the complexity of the case. Panel review cases shall be given priority.

7) Upon completion of the panel review, the informal determination of each panel review member shall be forwarded to the Chairperson. The informal determination shall contain the same elements as outlined in subsection (l)(4).

8) Any restriction of driving privileges, cancellation or medical denial shall remain in effect until the Department notifies the driver in writing.

p) Upon receipt of each of the panel members' determinations, the Chairperson shall make a formal recommendation to the Department regarding the driver's ability to safely operate a motor vehicle and the scope of any licensure, including the use of mechanical devices and/or other conditions for driving.

1) The recommendation of the Chairperson shall be based upon the majority ruling of the members' informal determinations.

2) The Chairperson shall have the authority to confer with the members of the panel to confirm, clarify and formulate the recommendation to the Department.

3) The Chairperson's recommendation shall contain the same elements as outlined in subsections (l)(1) through (4).

q) The Department shall follow the recommendation of the Chairperson based upon the determination rendered by the panel.

1) If the Department receives a formal recommendation from the Chairperson to uphold the decision of the individual Board member who first reviewed the case, the action taken by the Department shall remain in effect.

2) If the Department receives a formal determination from the Chairperson to amend the original determination of the Board member who first reviewed the case, the Department shall follow the determination of the panel, including the recommendation of the granting of full or limited driving privileges or complete cancellation or denial of driving privileges.

3) The driver shall be notified immediately in writing by the Department of the panel's formal determination regarding his/her driving privileges. The driver shall also be notified in writing of his/her right to request a medical hearing.

r) A driver who wants to contest the cancellation or medical denial of driving privileges for medical reasons shall be entitled to a hearing in accordance with 92 Ill. Adm. Code 1001.Subparts A and E, and IVC Section 2-118.

s) Unless a competent medical specialist has submitted a medical report indicating the physical or mental condition or disability no longer exists, the Department shall require the driver to submit a medical report at each driver's license renewal.

1) The Department shall notify the driver at least 30 days prior to the expiration of his/her driver's license.

2) Notification shall be in writing and mailed to the driver's last known address as indicated on the Department's driving record. The notice shall state that the driver must submit a medical report when renewing a driver's license.

t) The Department shall require a driver to appear at a Driver Services Facility to receive a corrected driver's license if a competent medical specialist or the Board recommends a driver's license restriction pursuant to Section 1030.92.

1) The Department shall immediately provide written notification to the driver at the last known address indicated on the Department's driving record. The notice shall state that failure to comply within 20 days after the request will result in the cancellation of the person's driver's license pursuant to IVC Section 6-201.5.

2) The Department shall mail a medical restriction card to the driver describing the restrictions on the driver's license.

3) The driver must abide by the restrictions contained on the card.

4) The driver, upon receipt of the medical restriction card from the Department, shall carry the medical card with his/her driver's license when operating a motor vehicle.

5) If a driver's license is canceled for failing to comply with a written request from the Department, and the driver subsequently complies with all requests of the Department, the cancellation shall be rescinded or terminated.

u) The Department shall require periodic medical reports between renewals, if recommended by a competent medical specialist or the Board.

v) The Chairperson is authorized to appoint a designee to complete any of the duties required to be performed by the Chairperson as prescribed by this Section.

(Source: Amended at 39 Ill. Reg. 14930, effective October 29, 2015)