

Elderly drivers and fatal accidents: Is the doctor responsible?

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Should a physician be held responsible if an elderly patient causes a car accident while driving?

A Los Angeles jury recently decided that Dr. Arthur Daigneault was not responsible for the wrongful death of 90-year-old William Powers, whose longtime partner, a dementia patient, drove into the path of an oncoming car, [according to a report by The Los Angeles Times](#). The driver Lorraine Sullivan, 85, survived, but Powers died of his injuries weeks after the crash.

The Orange County, Calif. jury cleared Daigneault, but the case raises the question of whether the physician should have reported his patient -- who had suffered memory loss since 2007 and was prescribed an Alzheimer's drug in 2009 -- to local health authorities or urged the California Department of Motor Vehicles revoke her license.

The victim's family thought Daigneault should have done something. They sued him for wrongful death, arguing that he should have deemed the driver, a danger on the road and gotten her driver's license yanked.

Daigneault, who had been involved in taking away driver's licenses from other patients he had seen, said that he did not think Sullivan's condition was severe enough to warrant doing so in her case. The jury, after 30 minutes of deliberation, agreed.

Daigneault could well have been right in not reporting Sullivan. Every day there are horrible accidents that involve wrong turns, driving the wrong way and other fatal errors by drivers of all ages. But, statistics show that older drivers are more likely than younger ones to be involved in multi-vehicle crashes, particularly when turning at intersections, as Sullivan did. Drivers ages 80 and older have the [2nd highest fatal accident rate of any age group](#). Only teenage drivers are more dangerous, according to Federal Highway Administration data.

In the next 20 years, the number of elderly drivers in the United States will triple.

Should every state require doctors to report their concerns about the [ability of older drivers to safely be on the road](#)? Only a few states, including California, require or encourage doctor reporting. Relatively few require a road test for drivers over 75. Most states do not even require a vision test for older drivers. Tennessee does not require drivers over 65 to even renew their licenses.

Defenders of the elderly's right to drive note that there are plenty of other people out on the roads who pose huge dangers. Reckless teenagers, novice drivers, [drunks and the distracted driver](#) contribute a great deal to the more than 90 people killed on American highways every day. The [very old are, however, the biggest and fastest growing risk](#). And they are the ones that should be the easiest to get off the road. States need to take this problem far more seriously and toughen their reporting laws. Doctors should put privacy on the back burner and err on the side of reporting to state motor vehicle departments when they have concerns about a demented or impaired older patient who is still driving. So should you if you are [worried about grandma or grandpa](#). Even if your older family member does not go to a doctor, if you think their vision is failing or their memory is badly slipping, then the right thing to do is to let officials know.

Driving is a treasured right in America. But when age takes a toll on driving skills, putting the elderly, their passengers and others on the road at grave risk, then medical providers, family and loved ones should speak up loudly -- before that next wrong turn is someone's last.