

Occupational Therapy's Role in Judicial Decisions About Older Drivers

A Guide for Occupational Therapists

Courts and administrative agencies often determine who continues driving with full privileges, who retains limited driving privileges, and who has driving privileges suspended or permanently revoked.

Occupational therapy has a strong tradition in driving assessment and rehabilitation but has been less involved in this aspect of judicial decision-making. Both general occupational therapists and those with advanced training in driving can help meet community needs by working with the judges, hearing officers, and attorneys who are involved in these difficult decisions about senior drivers.

Occupational therapists can evaluate the sensory, cognitive, motor, and emotional impairments that are likely to affect driving capacity, as well as use their expertise to help older adults retain their independent community mobility, regardless of the types of transportation used. Occupational therapists with advanced training in driving can provide all of the above, in addition to comprehensive driving evaluations that include a clinical assessment of driving skills, an on-the-road assessment of actual driving performance, and training in strategies and equipment to improve driving safety and ability.

Contacting the Justice System

States differ in the courts, judges, and administrative personnel who preside over legal proceedings related to vehicle and traffic infractions. Many states have special traffic courts with administrative judges. Other states decide these cases in criminal courts. Still others refer cases to administrative law judges or hearing officers. To find local judicial contacts, get in touch with the state court administrator or chief clerk or with the administrator of your judicial district. The state department of motor vehicles and local probation or district attorney offices also can be excellent referral sources.



Make local judicial contacts by e-mail or telephone, following up with an introductory letter and brochure describing your occupational therapy program's offerings.

Help the Courts Find You

The courts may not know how to find occupational therapists who can help with decisions about senior drivers. Make it easy for them. Help your state association maintain a registry of settings offering this service, and if you have specialized training in driver rehabilitation, add your program's name to the national driver rehabilitation database maintained by the American Occupational Therapy Association (www.aota.org/driver_search/index.aspx).

At Your First Contact With the Court

When you first meet with a contact in the judicial system, be prepared to

- Discuss occupational therapy's history of working on driving issues. Refer to fact sheets available at www.aota.org/olderdriver.
- Discuss your experience in driving assessment and rehabilitation as well as your work in community mobility and participation. Be sure to note any experience working with seniors.

- Explain the goal of occupational therapy as one of ensuring that older adults continue to be “transportation independent” in a way that is safe for them and the community.

Writing an Evaluation for Judicial Use

To be considered useful by the courts or agencies, documentation must provide pertinent information and resources in easy-to-read language. Avoid even common medical jargon and abbreviations, and write out all terms. Use words, not symbols (e.g., avoid arrows or plus and minus signs, as nonmedical readers may not immediately understand their meaning).

Write to the audience! A judicial report should include

- Reason for referral and referral source. Referral laws and reimbursement pathways vary by state or jurisdiction. Consult the state and judiciary unit about the reimbursement path for their referred assessment.
- Summary of evaluation findings. This summary should be clear and concise, identifying strong and deficient performance skills and delineating results of clinical, functional, simulated, or on-road evaluations. The report should include summaries of
 - The driver’s medical and driving histories
 - Vision/perception tests (including results of assessments for acuity, peripheral vision, visual perception, depth perception, color vision, contrast sensitivity, night vision, response to glare, and visual-processing time). If the tests are based on norms, the summary should use common language to clarify the degree of deficit (e.g., “His reaction time is slower than approximately 75% of similarly aged men” not “He took 90 seconds to complete the assessment”).
 - Cognition tests (including attention, concentration, simple and complex reaction time, short-term and long-term memory, road sign recognition, knowledge of rules of the road, reasoning, judgment, and speed with complex decisions)
 - Physical status (including range of motion, strength, endurance, sensation, coordination, and simple reaction time)
 - General functional abilities
 - Functional abilities directly related to driving (including the ability to transfer into and out of a vehicle, buckle seat belt, and operate signals and pedals).

- If an on-road evaluation is performed, the report should summarize
 - Vehicle control (e.g., controlled acceleration and braking, steering control, speed control, lane position)
 - Compliance with signs, signals, and rules of the road
 - Functional observations
 - Gap judgment in traffic
 - Ability to plan driving maneuvers
 - Speed adjustment and positioning for potential hazards
 - Speed and accuracy of response to changing conditions and unexpected events
 - Communication and interaction with other drivers.
- Recommendations. Suggestions about intervention may help the judicial process, the referred person, and the community. As part of relationship building within the judicial system, clarify the scope of intervention suggestions that might be welcomed by the court. Include in the report the type of services being suggested, where these services can be obtained, and contact information. Frame any recommendations on restrictions according to the state’s licensing requirements and available restrictions for driving (e.g., no driving after sunset, driving only within X miles of home).
- Your name, credentials, and contact information. Write out the words that create your credentials (e.g., “Occupational Therapist,” not “OT”). Include your telephone, cell phone, and pager numbers and e-mail address. Attach a business card to the report to make it easier for the court to contact you for future cases.



For more information on driving and community mobility,
visit www.aota.org/olderdriver,
or email driverhelp@aota.org.



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