



Saskatchewan College of Psychologists

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Membership Advisory

Duty to Report Under the Traffic Safety Act

Members of the College working with those of legal age to operate a motor vehicle as outlined within the *Traffic Safety Act* are advised to familiarize themselves with the legislation. In particular Section 283 of the *Traffic Safety Act* states:

Requirements of medical reports

- 1) Any duly qualified medical practitioner shall report to the administrator the name, address and clinical condition of every person who:
 - (a) is 15 years of age or over attending on the medical practitioner for medical services; and
 - (b) in the opinion of the medical practitioner, is suffering from a condition that will make it dangerous for that person to operate a vehicle.
- 2) Any optometrist shall report to the administrator the name, address and clinical condition of every person who:
 - (a) is 15 years of age or over attending on the optometrist for services usually rendered by an optometrist; and
 - (b) in the opinion of the optometrist, is suffering from a condition that will make it dangerous for that person to operate a vehicle.
- 3) No action shall be brought against a medical practitioner or an optometrist who makes a report in good faith in accordance with subsection (1) or (2).
- 4) A report made pursuant to this section:
 - (a) is privileged for the information of the administrator only;
 - (b) is not open to public inspection; and
 - (c) is not admissible in evidence in any trial, except to show that the report was made in good faith in accordance with this section.

The applicable Regulations are *The Driver's Licensing and Suspension Regulations, 2006* and which state:

- 3) For the purposes of section 283 of the Act, a “**duly qualified medical practitioner**” or “**medical practitioner**” means:
 - (a) a person who is registered pursuant to The Medical Profession Act, 1981,
 - (b) other than a person registered pursuant to section 42.1 of that Act, and whose registration is not under suspension;
 - (c) a person who is a member in good standing of the Saskatchewan College of

- Psychologists pursuant to The Psychologists Act, 1997;
- (d) a registered nurse who is entitled, pursuant to The Registered Nurses Act, 1988, to practice in the nurse practitioner category; or
 - (e) a person who is a member in good standing of the Saskatchewan Society of Occupational Therapists pursuant to The Occupational Therapists Act, 1997.

Psychologists are advised that there is a legal duty to report when in their professional opinion there is the potential for harm as an individual suffers from a condition which “will make it dangerous for that person to operate a vehicle”. The Medical Review Unit at Saskatchewan Government Insurance (SGI) make decisions regarding licensure and coverage based on the practitioner reporting. If a member of the public disagrees with a decision made by SGI they have the right of appeal to the Highway Traffic Board. Psychologists are reminded of their professional and ethical obligations in regard to the issues of informed consent, assessment and diagnostic practice in making such a report.