

## **Lapses of Consciousness Regulations 2000**

The California Department of Public Health (formerly California Department of Health Services) promulgated regulations concerning reporting of patients with disorders characterized by lapses of consciousness. These regulations went into effect October 2, 2000.

The regulations implement Health and Safety Code Section 103900, which requires every physician and surgeon who has diagnosed a disorder characterized by a lapse of consciousness in a patient who is at least 14 years of age to immediately report the name, date of birth, and address of the patient to the local health officer. The local health officer is then mandated to forward the report to the Department of Motor Vehicles.

### **How are these regulations different from the previous regulations?**

These regulations clarify for the regulated public and the medical community when a patient with a diagnosis of a disorder characterized by lapses of consciousness is to be reported to the local health officer. These new regulations repealed the previous reporting conditions and replaced them with regulations that:

1. Define terms used in the regulations so they are understood by physicians and other persons affected by the regulations
2. Provide specific reporting requirements to clarify for all physicians and surgeons when they should report
3. Clarify under what circumstances a patient with a diagnosis of a disorder characterized by lapses of consciousness need not be reported

These regulations also define the functional severity on which the physician and surgeon is to base a determination of whether reporting is required, which is required by statute. In addition to implementing the statutory requirements, the regulations reflect new scientific findings related to dementia and driving.

### **How have the regulations affected the California Code of Regulations (CCR)?**

The regulations amended Section 2500, Title 17, CCR - "Reporting to the Local Health Authority." The non-communicable diseases or conditions - Alzheimer's Disease (AD) - and related conditions and disorders characterized by lapses of consciousness were removed from this section. This action was taken to eliminate any confusion between two different authorizing statutes. The reporting of AD and related conditions, as well as disorders characterized by lapses of consciousness, is now listed in the Sections 2800 through 2812 in the CCR.

The regulations also repealed Section 2572, Title 17, CCR - "Disorders Characterized by Lapses of Consciousness, Alzheimer's Disease and Related Disorders." The

reporting regulations in this section were not clear and conflicted with the reporting language in Health and Safety Code 103900.

### **Important issues to keep in mind about the regulations:**

1. They are specific to physicians and surgeons, per Section 103900 of the Health and Safety Code.
2. The definitions used are not conventional - they are specific to the context of these regulations.
3. The physician who reports a patient diagnosed with a disorder characterized by lapses of consciousness, according to Health and Safety Code 103900, shall not be civilly or criminally liable to any patient for making the report.

### **Where can physicians obtain information on the name and address of their particular local health officer?**

For information on local health officers, please contact the California Conference of Local Health Officers (CCLHO), Department of Public Health Services:

[CCLHO@cdph.ca.gov](mailto:CCLHO@cdph.ca.gov)

### **Where can one obtain a copy of the regulations?**

The regulations **Title 17, Subchapter 2.5, "Disorders Characterized by Lapses of Consciousness"** sections 2800-2812, pages 76-76.1) are available at no cost from:

Barclays West Law Publishers  
1-800-888-3600

### **Subchapter 2.5. Disorders Characterized by Lapses of Consciousness**

Article 1. Definitions

§2800. Activities of Daily Living.

"Activities of daily living" means bathing, dressing, feeding oneself, brushing one's teeth, and performing more complex tasks such as grocery shopping, cooking, management of personal finances, and operating a motor vehicle.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.  
Reference: Section 103900, Health and Safety Code.

### **§2802. Alzheimer's Disease and Related Disorders**

"Alzheimer's disease and related disorders" means those illnesses that damage the brain causing irreversible, progressive confusion, disorientation, loss of memory and judgment.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.  
Reference: Section 103900, Health and Safety Code.

#### **§2804. Diagnose**

"Diagnose" means to identify the existence of a medical condition in a patient.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.

Reference: Section 103900, Health and Safety Code.

#### **§2806. Disorders Characterized by Lapses of Consciousness**

a. Disorders characterized by lapses of consciousness" means those medical conditions that involve:

1. A loss of consciousness or a marked reduction of alertness or responsiveness to external stimuli; and
2. The inability to perform one or more activities of daily living; and
3. The impairment of the sensory motor functions used to operate a motor vehicle.

b. Examples of medical conditions that do not always, but may progress to the level of functional severity described in subsection (a) of this section include Alzheimer's disease and related disorders, seizure disorders, brain tumors, narcolepsy, sleep apnea, and abnormal metabolic states, including hypo-and hyperglycemia associated with diabetes.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.

Reference: Section 103900, Health and Safety Code.

#### **§2808. Sensory Motor Functions**

"Sensory motor functions" means the ability to integrate seeing, hearing, smelling, feeling and reacting with physical movement, such as depressing the brake pedal of a car to stop the car from entering an intersection with a green traffic light to avoid hitting a pedestrian crossing the street.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.

Reference: Section 103900, Health and Safety Code.

#### **§2810. Reporting Requirements**

a. Except as provided in Section 2812, a physician and surgeon shall notify the local health officer within seven (7) calendar days if every patient 14 years of age or older, when a physician and surgeon has diagnosed a disorder characterized by lapses of consciousness (as defined in Section 2806) in a patient.

b. The report prepared pursuant to subsection (a) of this section shall include:

1. The name, address, date of birth, and diagnosis of the patient, and
2. The name, address, and phone number of the physician and surgeon making report.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.

Reference: Section 103900, Health and Safety Code.

### **§2812 Exceptions to Reporting**

A physician and surgeon shall not be required to notify the local health officer of a patient with a disorder characterized by lapses of consciousness if:

1. The patient's sensory motor functions are impaired to the extent that the patient is unable to ever operate a motor vehicle, or
2. The patient states that he or she does not drive and states that he or she never intends to drive, and the physician and surgeon believes these statements made by the patient are true, or
3. The physician and surgeon previously reported the diagnosis and, since that report, the physician and surgeon believes the patient has not operated a motor vehicle, or
4. There is documentation in the patient's medical record that another physician and surgeon reported the diagnosis and, since that report, the physician and surgeon believes the patient has not operated a motor vehicle.

**NOTE:** Authority cited: Sections 100275 and 103900, Health and Safety Code.  
Reference: Section 103900, Health and Safety Code.

For information on the [California Department of Motor Vehicles' guidelines](#) for physical and mental conditions and licensure options:

For information on dementia, driving and California state law, see the [Family Caregiver Alliance](#)