

## FOR IMMEDIATE RELEASE

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### **MPS's Christmas reminder of doctors' obligations to report dangerous drivers**

**With the recent reduction in Scotland's drink-driving limit and the festive season now in full swing, the Medical Protection Society (MPS) is reminding doctors of their professional obligations to disclose information regarding patients who jeopardise public safety by driving under the influence of alcohol or drugs.<sup>1</sup>**

#### **Dr Pallavi Bradshaw, Medicolegal Adviser at MPS said:**

"Some doctors may have patients who are at risk of increased alcohol consumption and drug use over the Christmas and New Year period, and may be likely to get behind the wheel after attending parties and social events or while they are still under the influence the following morning.

"If a patient discloses that they have caused an accident whilst under the influence of alcohol or drugs, the doctor must request that the patient notifies the relevant authorities. If the patient cannot be convinced to do so, it is up to the doctor to decide whether they breach patient confidentiality and notify the police themselves. The doctor may wish to consider whether there is a public interest justification and/or whether anyone was hurt.

"However, if the police directly approach the doctor requesting information that would identify the patient as the driver who caused the accident, the doctor is obliged under the Road Traffic Act 1988 to provide the information. Anything that does not directly relate to the police enquiry is confidential should not be disclosed."<sup>2</sup>

#### **In relation to drug-driving, Dr Bradshaw added:**

"A new offence of drug-driving is expected to come into force in March 2015.<sup>3</sup> Under the legislation, driving with more than a specified limit of certain drugs – including some prescription drugs – will be illegal.

"While doctors should ensure that they always discuss the risks and side effects of prescription medicines with patients, especially when they may impact on their ability to drive, they should begin to familiarise themselves with specific drug-driving limits in order to advise their patients appropriately. Some drivers may be entitled to a medical defence if the medication is taken in accordance with professional advice for therapeutic purposes, so doctors may also be asked to provide written confirmation of the prescription medication and advice provided."

Ends

**For further information or to arrange an interview please contact Shannon Darling, MPS Press Officer, on +44 (0) 20 7399 1319 or [shannon.darling@mps.org.uk](mailto:shannon.darling@mps.org.uk)**

#### **Notes to editor**

1. Earlier this month, Scotland's blood alcohol limit was lowered from 80mg to 50mg in every 100ml of blood. This means that drivers could be breaking the law if they have drunk a small glass of wine or single pint of beer. The legal limit in England and Wales remains at 80mg in every 100ml of blood.
2. Road Traffic Act 1988, Section 172 <http://www.legislation.gov.uk/ukpga/1988/52/contents>

3. Department for Transport, “Drug driving guidance issued to healthcare professionals”, <https://www.gov.uk/government/news/drug-driving-advice-issued-to-healthcare-professionals>
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MPS is the world’s leading protection organisation for doctors, dentists and healthcare professionals. We protect and support the professional interests of more than 290,000 members around the world. Our benefits include access to indemnity, expert advice and peace of mind. Highly qualified advisers are on hand to talk through a question or concern at any time.

Our in-house experts assist with the wide range of legal and ethical problems that arise from professional practice. This includes clinical negligence claims, complaints, medical and dental council inquiries, legal and ethical dilemmas, disciplinary procedures, inquests and fatal accident inquiries.

Our philosophy is to support safe practice in medicine and dentistry by helping to avert problems in the first place. We do this by promoting risk management through our workshops, E-learning, clinical risk assessments, publications, conferences, lectures and presentations.

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