



## INFOGUIDE

November 2007

### DRIVER'S LICENSE SUSPENSIONS

***DISCLAIMER: This InfoGuide is intended for use as general information and is prepared for purposes of convenience only. It is not to be relied upon as legal advice or legal authority. If you have inquiries as to legal proceedings, or if you would like more detailed information regarding legislation, you should consult a lawyer.***

#### ***Can a doctor suspend my driver's license?***

- No. A doctor cannot suspend your license. However, under the *Highway Traffic Act*, a physician is obligated by law, to notify the Ministry of Transportation (MTO) if he or she believes that you have a medical condition that might impair your ability to operate a motor vehicle safely.
- In these circumstances, the doctor will make a report to the MTO. The MTO will review the information provided by your doctor and make a decision to either allow you to continue to drive, request additional information from a physician, or to suspend your driver's license.

#### ***Will the MTO notify me of the suspension?***

- Yes. If the MTO makes a decision to suspend your license after reviewing the medical information provided by your doctor, it will notify you in writing. A letter is mailed from the Medical Review Section outlining the information required in order to review your file followed by an official Notice of Suspension.

#### ***Can I ask the MTO to review the decision to suspend my license?***

- Yes. Once you have been notified of the suspension in writing, you can request an administrative review with a representative of the Driver Improvement Office by calling the Medical Review Section at the telephone number on the letter that you received. The purpose of the Administrative

Review is to give you an opportunity to provide additional information that might not have been available to the MTO at the time it made the decision to suspend your license.

- The person conducting the administrative review will not tell you if your license will be reinstated because it is not his or her decision to make. He or she will simply report back to the MTO the information that you have provided. The Medical Review Section will then review your file and notify you in writing of the outcome. If the MTO has told you that you cannot drive, you must immediately return your license to the MTO and stop driving.

***Can I challenge the decision to continue the suspension of my license?***

- Yes. You can apply to the License Appeal Tribunal to appeal the decision to continue the suspension of your driver's license. However, you should consider this as your last step in the process and not the first.
- The License Appeal Tribunal is an independent quasi-judicial tribunal authorized under the *Highway Traffic Act* to hear appeals from drivers who have had their driving privileges suspended or changed from a commercial license for not meeting the medical standards. For more information, you can contact the Tribunal at (416) 314-4260 or toll free at 1-800-255-2214 or look at their website at [www.lat.gov.on.ca](http://www.lat.gov.on.ca).

***What are all of the possible steps in the process?***

1. Your doctor makes a report to the MTO about your medical condition.
2. The MTO reviews the information provided by your doctor. The MTO can either request additional information or suspend your license.
3. If a decision is made to request more information, you will be asked in writing to provide additional information in the form of an assessment. You will only have a certain period of time to complete the assessment – the time will be different for each person. If you do not complete the assessment, you are not allowed to request an administrative review or appeal a decision to the License Appeal Tribunal.
4. If there is a decision to suspend your license, you will be notified in writing of the suspension and of the medical information required for reinstatement.
5. You can request an administrative review if you believe the MTO did not have all the information it required to make their decision or it made an incorrect decision. You will then be contacted by a person from the Driver Improvement Office to meet with you to review your file.
6. You will be notified in writing of the decision resulting from the administrative review.

7. If there is a decision to continue the suspension of your license, you can appeal the decision to the License Appeal Tribunal.
8. If you believe that the decision of the License Appeal Tribunal was wrong, you may appeal the decision of the Tribunal to the Superior Court of Justice.

### ***What can I do to get my license back?***

- In addition to or instead of asking for an administrative review or an appeal to the License Appeal Tribunal, you may submit new information to the MTO. The MTO requires that you submit a "satisfactory medical report" from your doctor that clearly states that you are no longer a risk to drive and that your medical condition is under control.
- The "satisfactory medical report" may include a psychiatrist's assessment detailing your psychiatric history, diagnosis, treatment, medication, hospitalization(s) including a discharge summary of the most recent hospitalization, period of stability, current status and prognosis. At times, the MTO requires that you have a period of one year with no symptoms before it will consider reinstating your license. You can talk to the MTO about what is expected of you, given your individual circumstances.

### ***Can my doctor submit new medical information?***

- Yes. At any time your doctor can submit new medical information to the MTO for review. This doesn't necessarily mean that your license will be re-instated but it will allow the MTO to review the suspension again. When submitting medical information, you should try and make sure that it is new or additional information that the MTO has not seen that will help them make a new decision – simply re-submitting the same documents will not be helpful.

### ***What can I do if I have a complaint about the driver's license suspension process?***

- You may make a complaint to the Ombudsman of Ontario. He is an Officer of the provincial legislature who is independent of government and political parties. The Ombudsman investigates complaints about services provided by the Government of Ontario and its organizations.
- The Ombudsman is generally an office of last resort so you should first try to resolve your problem by using the complaint and appeal procedures offered by the MTO or the License Appeals Tribunal.
- Generally, the Ombudsman will not investigate a complaint which is more than 12 months old, unless there are exceptional circumstances.
- Complaints can be made in writing, by email, online, fax or phone. The Office of the Ombudsman of Ontario is located at Bell Trinity Square, 483 Bay

Street, 10<sup>th</sup> Floor, South Tower, Toronto, Ontario, M5G 2C9. The phone number for the complaints line is 1-800-263-1830 and their website is [www.ombudsman.on.ca](http://www.ombudsman.on.ca).

**Questions?**

- If you have any questions or require additional information please contact your local Patient Advocate or the Psychiatric Patient Advocate Office toll free at 1-800-578-2343.
- You can also contact the MTO, Medical Review Section, at (416) 235-1773 or toll-free at 1-800-268-1481. Please remember to have your driver's license number available when calling the MTO.