

## Letters

### AUTO ACCIDENTS AND PHYSICIAN LIABILITY

In “Practice, not malpractice” (CURRENT PSYCHIATRY, December 2003, p. 17-34), the authors note that a psychiatrist can be held liable for injuries resulting from a patient’s automobile accident (p. 20).

Holding a treating psychiatrist responsible for a patient’s inability to operate a car, truck, boat, or airplane could expose us to further liability or litigation. It goes beyond our requirement to subscribe to a “standard of care”—now we must also be omniscient.

How far should a psychiatrist go to prevent a patient from driving? The literature offers few answers and many questions remain unanswered:

- Is warning the patient about medication side effects enough to reduce our risk?
- Do we also need to warn the patient’s family, employer, and the division of motor vehicles (DMV)? Or do we hold the patient’s keys until a family member arrives?
- What if the patient has no family? Shall we keep the keys indefinitely? Or do we have the police or DMV suspend the patient’s license?

I have come across several patients who have been driving for months while taking alprazolam, 12 mg/d, diazepam, 100 mg/d, or clonazepam, 10 mg/d. Countless other drivers are taking divalproex, mirtazapine, olanzapine, quetiapine, and other routinely prescribed, sedating medications. Who determines that a certain dosage is or is not affecting the patient’s ability to drive? The doctor or the driving instructors at DMV?

The issue becomes more unclear when I am



asked to assess a patient’s ability to drive based on his or her poor judgment, poor attention and concentration, impulsivity, or potential for relapse into substance abuse. Does acute psychosis increase the incidence of car accidents, and if so to what extent? Is the risk sufficient to take away someone’s right to drive?

These are just some of the questions we confront when asked to assess a patient’s ability to drive. Whose job is it to judge competence behind the wheel? Because competence is task specific, I think a driving instructor is better qualified than a psychiatrist to answer this question.

Numan M. Gharaibeh, MD  
Attending psychiatrist  
Adult Day Treatment Program  
The Institute of Living  
Hartford, CT

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pete.kelly@dowdenhealth.com**