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March 19, 2024

Representative Matthews, Representative Cooke, Representative Osienki, and Members of the House Public Safety & Homeland Security Committee,

The Medical Society of Delaware strongly supports HB 314, which updates the outdated mandatory reporting requirements currently in force. Delaware is one of only six states that require mandatory reporting of loss of consciousness due to a central nervous system (CNS) condition. However, this mandatory reporting system is not functioning effectively, especially in emergency rooms, where individuals are often inappropriately reported, resulting in an overworked Division of Motor Vehicles (DMV) and a substantial backlog in physicians' offices.

For instance, a patient experiencing a simple fainting spell may be reported to the DMV, leading to a situation where it could take months to have their license reinstated.

Delaware's current legislation is discriminatory against individuals with epilepsy, likely stemming from the social climate of the 1940s and 1950s. Moreover, current legislation does not address loss of consciousness due to other etiologies nor does it address other medical conditions that may affect the ability to drive safely. For example, there is no requirement to report if someone experiences repeated loss of consciousness from a cardiac issue or in someone with severe dementia.

Mandatory reporting places physicians in the awkward role of a law enforcement officer. Consequently, patients may be hesitant to truthfully disclose seizures or other episodes of loss of consciousness to their physicians due to fear of losing their license. By removing the mandatory requirement, physicians can focus on treating patients.

With removal of the mandatory reporting requirement, out of concern for patient and public safety, physicians and other medical professionals should still report cases to DMV based on medical evidence, not only limited to repeated loss of consciousness but also other conditions such as dementia and stroke.

The Medical Society of Delaware commends the updated language in HB 314 and appreciates your support for this legislation.

Sincerely,

Robert Varipapa, MD  
President, Medical Society of Delaware

Richard Henderson, MD  
Chair, MSD Government Affairs Committee