

Case 1

In February 2004, a 44-year-old Pennsylvania man being treated at the hospital for an irregular heartbeat disclosed to doctors that he consumes six to ten 12-ounce bottles of beer daily. In April the man, Keith Emerich, received notice from the Pennsylvania Department of Transportation (PennDOT) that his driver's license was in the process of being revoked for medical reasons related to substance abuse. Apparently, the physicians who treated Mr. Emerich reported his beer consumption to the State.

Doctors in this case were strictly following a Pennsylvania law that requires physicians to inform the State when patients have conditions that might "impair the ability to control and safely operate" a motor vehicle. The statute in question, which dates to the 1970s, holds physicians liable for non-reporting if their patient is subsequently at fault for a substance-related crash. It also requires the State to suspend driving privileges until the patient successfully completes treatment for substance abuse.

Mr. Emerich told the Canada Free Press that he never drives after drinking. Furthermore, his employer of 15 years reports that Emerich has never appeared intoxicated at work nor exhibited any traits that may suggest he had been drinking before reporting for his shift. Mr. Emerich's driving record has been clean for the past 23 years, reflecting only a driving-under-the-influence (DUI) conviction from when he was 21-years-old.

Officials of the Pennsylvania Department of Transportation defended the law and their enforcement of it by stressing that driving is a privilege, not a right. If the PennDOT decision is not overturned by the courts, Mr. Emerich will be unable to legally drive until he successfully completes a substance abuse program.

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