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## **Driving Safely with a Medical Condition – Guidelines for Doctors with regard to Driver Licensing Issues**

The law on driving and epilepsy states how long a person must be seizure free before they can be declared medical fit to drive. The current law set down in the 2010 legislation and for most people with epilepsy the seizure freedom requirement is one year from the date of the most recent seizure. There are exceptions to this one year requirement in cases of single seizures, seizures with awareness, sleep seizures and provoked seizures. (See Driving Regulations) the legal requirements regarding seizure freedom periods remain the same.

### **The new guidelines for medically assessing drivers**

New guidelines “Slainte agus Tiomaint/ Medical Fitness to Drive” (February 2013) have been issued by the Road Safety Authority (RSA). The guidelines deal with group 1 licences only (cars, light vans, motorcycles). A new Driver Licensing Authority (DLA) will co-ordinate all aspects of driver licensing into the future.

There are implications for people with medical conditions including epilepsy in regard to the new guidelines. The guidelines give more clarity on the responsibilities of the driver, the health professional and the driving licence authority. The main changes are in relation to the drivers’ responsibility to disclose during the term of a licence and the health professionals’ responsibility to report a driver who is not compliant or who is a public safety risk.

### **The responsibilities of drivers**

People with epilepsy have always been required to declare their epilepsy at application and renewal of a licence. While they complied with the seizure freedom requirements they were not previously obliged to inform the licensing authority until renewing their licence.

The new guidelines would appear to indicate that any seizure event must be reported to the DLA.

Epilepsy Ireland would recommend that, in instances where it appears that a person has had a seizure that they report it to their Epilepsy Specialist or doctor and ask for guidance on what to do.

### **Here is the text of the section in the guidelines relating to this requirement:**

***At licence application and renewal, drivers complete a declaration regarding their health, including whether they have any long-term conditions such as diabetes, epilepsy or cardiovascular disease. Based on this information, the Driving Licensing Authority may request a medical examination to confirm a driver’s fitness to hold a driver licence. In the case of medical examinations requested by the Driving Licensing Authority, drivers have a duty to declare their health status to the examining health professional. Drivers are also required to report to the Driving Licensing Authority when they become***

***aware of a health condition that may affect their ability to drive safely. A driver should not drive while medically unfit to do so and can be convicted of an offence for doing so. Under Sections 32 and 48 of the Road Traffic Act 1961, drivers should be aware that there may be long-term financial, insurance and legal consequences where there is failure to report an impairment to their Driving Licensing Authority and insurance provider. Drivers must adhere to prescribed medical treatment and monitor and manage their condition(s) and any adaptations with ongoing consideration of their fitness to drive.***

### **The responsibilities of health professionals**

The new guidelines also clarify the responsibilities of the health professionals and under what conditions they are obliged to report a person with a medical condition to the DLA. It is envisaged that reporting will only be a last resort in cases of non-compliance where there is a risk to public safety.

Here is the text from the guidelines relating to this requirement:

***The health professional should consider reporting directly to the Driving Licence Authority in situations where the patient is either:***

- ***Unable to appreciate the impact of their condition which is impacting on their fitness to drive; or***
- ***Unable to take notice of the health professional's recommendations due to cognitive impairment; or***
- ***Continues driving despite appropriate advice and is likely to endanger the public.***

***A positive duty is imposed on health professionals to notify the relevant authority in writing of a belief that a driver is physically or mentally unfit to drive, poses a risk to public safety and is not compliant with professional advice to stop driving. It is preferable that any action taken in the interests of public safety should be taken with the consent of the patient wherever possible and should certainly be undertaken with the patient's knowledge of the intended action to the greatest extent possible. The patient should be fully informed as to why the information needs to be disclosed to the Driving Licence Authority, and be given the opportunity to consider this information.***

For the full text of the new document please go to RSA website.