

Driving has become almost a necessity in our society and no-one should be unfairly prevented from obtaining a licence. Losing your driver's licence can have a significant impact on aspects such as employment, getting to and from work, maintaining social contact and accessing every day needs.

Driving - why is your health important?

Driving any motor vehicle requires:

- constant attention
- good judgement
- appropriate responsiveness
- reasonable perception and physical capability
- good senses e.g. sight and hearing.

All of these can be affected by a driver's physical and psychological health. In someone with epilepsy, these factors can also be altered before, during and after a seizure.

Commercial vehicle driving involves extra demands due to the vehicle [size and load], the responsibility for passengers, the demands of work schedules and distances travelled.

Health is therefore important for public and personal safety on the road.

What type of health problems might affect our fitness to drive?

A number of medical conditions, including epilepsy, could affect the ability to drive safely – examples include; sleep disorders, vision problems, heart disease, diabetes, fainting, psychiatric disorders, and age-related decline.

The good news is that most of these conditions can be effectively treated so that people can often continue to drive. The important thing is to see a doctor and have any health problems diagnosed and managed early.

Medical standards for drivers exist in order to help monitor drivers' health and subsequently support road safety. They are used by general practitioners and medical specialists when providing medical information to the individual to be submitted to the Driving Licence Authority (DLA).

Epilepsy and seizures

Seizures causing loss of awareness (even if brief and subtle) or loss of motor control have the potential to impair someone's ability to control a vehicle.

When you have your first seizure, the doctor will inform you that you cannot drive and for how long as there are a number of factors that affect this.

Your first ever seizure

When you have your first seizure, the doctor will inform you that you cannot drive and for how long. This period will depend on many things including; what has caused the seizure, what type of seizure you had, if it is epilepsy, and what type of epilepsy.

It is important to remember that you will be advised not to drive and, once you have met certain criteria you will be able to drive again - safely and legally. Unfortunately, not everyone will get their licence renewed, and others may be issued a conditional



licence. Ultimately the decision to suspend or renew a driver's licence rests with the DLA.

Factors to take into account when considering returning to driving include response to treatment, previous frequency of seizures, EEG findings and the type of epilepsy you have. It is also important that you feel confident that you are able to drive safely.

What about a seizure that isn't epilepsy?

Not all people who experience a seizure have epilepsy.

Temporary health problems can occur at any time and may prevent someone from driving in the short term. For example, they may have a seizure that is provoked by a known cause, such as illness, injury, alcohol or low blood sugar levels and is not considered epilepsy.

In these circumstances a doctor will advise the person to restrict their driving in the short term and they may need to tell their employer. The employer may request a health assessment to determine their fitness for work.

Different circumstances that influence licence status

There are several situations in which a variation from the guidelines may be considered by the DLA to allow an earlier return to driving. These are listed below and discussed in detail in the Austroads document [pg 76-78]:

- seizures in childhood
- first seizure
- epilepsy treated for the first time
- acute symptomatic seizures
- 'safe' seizures
- seizures only in sleep
- seizures in a person previously well controlled
- exceptional circumstances

Can I keep my licence card?

Yes. You will be able to retain your licence card for identification purposes and to use when you are safe to drive again.

Who sets the guidelines about whether or not you are well enough to drive?

The guidelines about health and driving were developed by medical experts and are agreed to by DLA's nationally. Your doctor or specialist does not make the rules but provides advice, based on the guidelines, about how your epilepsy might affect your ability to drive safely.

The DLA will consider the advice of your doctor, but always makes the final decision about your licence status. Routine use of these guidelines ensures that the fitness to drive of each person is assessed in a consistent manner. Not all seizures or seizure types will pose a risk to driving.

See at the bottom of this document for the link to the Austroads website for the Australian Driving Guidelines - Assessing Fitness to Drive document for more details.

General considerations

- Any person experiencing seizures, blackouts or episodes of memory loss are advised to see a doctor for testing and evaluation, so the risk of further episodes and the need for treatment can be determined
- Correct diagnosis of epilepsy or seizure type is important. It means the right treatment is started, and assessment for driving safely can be considered
- There are some seizure types and circumstances that offer no real danger and have little impact on a person's driving ability

You must not drive during periods of antiepileptic medication reduction, withdrawal or changes.

Licences

Different licences have different regulations. There are two sets of guidelines, one for drivers of private vehicles, and one for drivers of commercial vehicles.

Professional drivers such as drivers of trucks, public passenger vehicles, emergency services vehicles and vehicles carrying dangerous goods must meet higher medical standards because of greater safety concerns.

Consideration for reissuing a licence can also be given to people who have been seizure-free for prolonged periods with or without medication.

Conditional Licences

Treatment advances in recent years mean that many medical conditions can be well managed and drivers can remain on the road, sometimes with a conditional licence. Conditional licences are not a new feature of the licensing system; however revised standards place greater emphasis on the use of conditional licences as a means of balancing safety requirements with the needs of drivers.

A conditional licence means that the person may continue to drive as long as certain conditions or restrictions are met.

Your responsibilities

- It is a legal requirement - you must notify the DLA in your state or territory if you have a seizure, epilepsy or are diagnosed with epilepsy
- You are responsible for making sure that you are well enough to drive safely by managing good seizure control and complying with medical treatment
- You must also respond truthfully to questions from health professionals regarding your condition and the likely impact on your ability to drive
- If issued with a conditional licence you are expected to comply with any enforced driving restrictions
- If you are planning any reduction, withdrawal or change of antiepileptic medication, you must not drive for this period or a period specified by your doctor
- You should avoid circumstances and triggers that are known to increase the risk of your seizures
- It is good practice to have regular reviews with your doctor.

The Australian guidelines concerning seizures and driving may seem severe but these laws were created to protect public safety.

- You must be seizure free for a specified period (see pg 79 Austroads document)
- You must continue to take anti-epileptic medication regularly as prescribed unless your specialist recommends changes
- You should ensure that you have adequate sleep and not drive if sleep-deprived
- You may need to abstain from alcohol and other drugs (it has been found that an episode of seizures may be precipitated by consumption of alcohol or drugs not prescribed for epilepsy)
- It is vital that you feel able and safe to drive



Who tells the authorities?

You do. The law requires you to report to your DLA, any permanent or long-term illness that is likely to affect your ability to drive safely.

The DLA may issue you a conditional licence which means that you may continue to drive as long as certain conditions or restrictions are met.

The DLA always makes the final decision about your licence status. They will consider the advice of your doctor and other factors such as your accident history and the type of vehicle you drive.

What if I don't tell the authorities?

Driving against medical advice is illegal and dangerous to you, your passengers and the general public. There are many safety factors to consider as seizures often occur without warning.

If you continue to drive despite your doctor's advice and you do not report your condition to the DLA, you are not fulfilling your legal responsibility.

If you are driving and involved in a motor vehicle accident during the recommended non-driving period and it is found that a seizure was a contributing factor, you may be prosecuted, charged and/or jailed and the conditions of your insurance policy may not be honoured. You may also have difficulty obtaining insurance in the future.

The Doctors Role in Reporting

Your doctor does not make the rules but provides advice about how your particular health condition might affect your ability to drive safely and how it might be managed.

As the relationship between you and your doctor is a confidential one, your doctor will not normally communicate directly with the DLA – he or she will provide you with advice about your ability to drive safely as well as a letter or report to take to the driving authority.

However, doctors have an obligation to public safety. If your doctor is aware that you are continuing to drive and feels that your driving is a serious risk to you and other road users, he or she may feel obliged to notify the DLA directly.

Can I get any travel assistance?

There are taxi subsidies available and Centrelink offers a mobility allowance. Both forms of assistance have strict criteria that have to be met before they are approved. Not all people are suitable for these forms of assistance. Your doctor can assist you to complete these forms.

- Mobility Allowance

Centrelink's Mobility Allowance provides assistance to people with disabilities who are unable to use public transport without substantial assistance. For more details contact Centrelink or check the website (www.centrelink.gov.au). Search for 'mobility allowance' from the homepage.

- Taxi Subsidy Scheme

This scheme subsidises the cost of travel by taxi for those who are unable to use public transport because of a disability. Applicants will need a supporting letter from their doctor and must meet strict eligibility criteria. Each state has its own scheme. It is best to contact your local Centrelink 132 717 office or your state or territory local taxi subsidy scheme to ask about this [see pg 144 Austroads document].

Transport tips:

- Car-pooling – ask for a lift from family, friends or colleagues
- Public transport – catch the bus, tram, train or ferry
- Ride a bike
- Walk
- Investigate travel subsidies

Summary:

- Seizures can affect your ability to drive safely
- You must report epilepsy to the driving licensing authority
- You are legally responsible for making sure you are well enough to drive safely
- All states and territories in Australia have laws about reporting health conditions that might affect a person's ability to drive safely
- These laws have been created to protect public safety

It is important that you familiarise yourself with both the general information above and the standards outlined in the Austroads document when considering your fitness to drive.

If you need to discuss this or get further information call us on 1300 EPILEPSY (37 45 37) or visit the links below.

Resources

- Austroads (<http://www.austroads.com.au/assessing-fitness-to-drive/>)
- Australian guidelines on assessing fitness to drive. See pg 75-86 for epilepsy information.
- Epilepsy Action Australia (http://www.epilepsy.org.au/living_with_epilepsy/lifestyle_issues/driving) General information on epilepsy and driving.
- Epilepsy Society of Australia (<http://www.epilepsy-society.org.au/resources/driving-guidelines.asp>) Australian Driving and Other Guidelines and resources.

For more information:

Contact the Driver Licensing Authority in your State or Territory.

- ACT Road Transport Authority, 13 22 81 <http://www.rego.act.gov.au/licence/general-act-licence-information/medical-conditions>
- NSW Roads and Maritime Services 13 22 13 <http://www.rms.nsw.gov.au/roads/licence/health/index.html>
- NT Department of Transport 1300 654 628 <http://www.transport.nt.gov.au/mvr/driving-to-your-capability/medical-fitness-to-drive>
- QLD Department of Transport and Main Roads 13 23 80 <http://www.tmr.qld.gov.au/Licensing/Medical-condition-reporting.aspx>
- SA Department of Planning, Transport and Infrastructure 13 10 84 <https://www.sa.gov.au/topics/transport-travel-and-motoring/motoring/drivers-and-licences/medical-fitness-to-drive>
- TAS Department of Infrastructure Energy & Resources 1300 851 225 http://www.transport.tas.gov.au/licensing/information/assessing_fitness_to_drive
- Vic VicRoads 13 11 71 <https://www.vicroads.vic.gov.au/licences/medical-conditions-and-driving>
- WA Department of Transport 13 11 56 <https://www.transport.wa.gov.au/licensing/report-a-medical-condition.asp>

References:

- Austroads 2011 www.austroads.com.au
- Epilepsy Society of Australia 2011
-

Epilepsy Action believes this publication to be correct at time of printing and accepts no responsibility for consequences arising from the use of information herein. Readers should rely on their own skill and judgement to apply information to particular issues.

© Epilepsy Action Australia

This information is given to provide accurate, general information about epilepsy. Medical information and knowledge changes rapidly and you should consult your doctor for more detailed information. This is not medical advice and you should not make any medication or treatment changes without consulting your doctor.

