

# Wavelinks

Epilepsy Foundation of Virginia (EFVA) Newsletter

spring 2005

## FROM THE EXECUTIVE DIRECTOR

Dear Friends,

This is the new issue of Wavelinks by internet and E-mail.

This issue of **Wavelinks** focuses on driving and epilepsy.

Many people with epilepsy can and do drive, many do not. Seizure disorders can complicate the process of getting and keeping a drivers license, but they do not necessarily mean that a person with epilepsy cannot drive. Representatives of the Department of Motor Vehicles (DMV) and EFVA's Board and Professional Advisory Board have reviewed this newsletter and their suggested changes have been incorporated. I hope the information below will help you make informed decisions about driving in Virginia.

Suzanne Bischoff

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## DRIVING AND EPILEPSY

We all know that having a car is important. With a car, you can go where you want, when you want. Without one, you are dependent on friends and family or public transportation. Most adults with epilepsy drive, a minority does not. Those persons often do not look at other options. They may think that they have to drive because they have no other choice. They may continue to drive even though they risk having a seizure.

It is easy to think cars and driving are more important than they really are. If I can't drive, I can't get to work. If I can't get to work, I'll get fired. Without a job, I won't be able to pay the rent, I'll get evicted, and my children will have to live on the street.

A 1991 study in the Journal of the American Medical Association showed one possible result of that kind of thinking. The article estimated that only 10-30% of people with epilepsy obeyed their state's laws about driving. They risk legal consequences and they may be risking their own safety and the safety of others. Other people with epilepsy who do not drive may feel trapped at home and risk unemployment, isolation and depression.

Because driving can be so important, some people with epilepsy continue to drive even though they take risks.

One of the biggest problems is emotional. A car and a license are important but they are not life and death issues. The person who can no longer drive may be embarrassed or shy about asking for rides, annoyed at the delay of public transportation, or unable to pay for taxi cabs. They may not know what other services are available. This person may be limited as much by their reluctance to find help as they are by their inability to drive.

There are other ways to get around. They may not be as convenient as driving, but with effort, they can usually be found.

If you drive as part of your job, talk to your employer. The Americans with Disabilities Act requires that they try to make an accommodation to an employee's disability. If you need a ride to and from work, perhaps a co-worker or an employee from a nearby business can give you a ride. Put a notice on the company bulletin board. Pay for the gasoline, or barter. If you cannot afford the gasoline, offer some other service in return for the ride. Offer to baby sit, help with work around their house, help in the garden, or shovel snow. Be creative in your bartering. All of your colleagues and potential drivers have something that they would rather not do.

Look for other means of transportation. Consider a bicycle. If riding a bicycle is practical for you, they can be very effective ways to get around. If you do ride a bicycle, wear a helmet. Information on local transportation can come from support groups, local churches, the United Way, the Red Cross, the town clerk, or social service agencies. Nursing homes and day care centers often know of transportation services or know volunteers who would be happy to drive you. The Internet gives lots of useful information. We can consult statewide resources such as <http://www.drpt.state.va.us> or look at local web pages. Some agencies, such as Jaunt in Charlottesville 296-6174, Cart in Harrisonburg, Radar in Roanoke and Handi-ride in Tidewater have provided transportation for a couple of years. If sufficient funds are available, the Epilepsy Foundation of Virginia also refunds transportation to clients who visit their physicians on a per mile basis up to \$ 150.00 per person, once a year.

## FREQUENTLY ASKED QUESTIONS

***People with bad hearts can drive, people can drink and drive, people can talk on the telephone and drive. I see people in traffic with a cup of coffee in one hand, a newspaper in the other, and a phone tucked under their chin. Maybe they steer with their knees. Why can they drive while I can't? It's not fair.***

You are right. It is not fair. Drunken and or careless drivers are far more of a threat than people with active seizures. They also face heavy fines, loss of license, and imprisonment.

Many people with seizure disorders have warnings before their seizures, others may only have seizures at certain times of day. Can they drive safely? Probably. Can they drive legally in Virginia? Not always.

Due to the varied nature of epilepsy, the Epilepsy Foundation of America opposes across the board seizure-free requirements and endorses individual

evaluations of a person's ability to drive. These evaluations should be based, in part, on the types and frequency of seizures, presence or absence of auras or other warning signs, usual time of seizures, willingness to take prescribed medications, and any side effects of medications.

***I only have seizures at night, can I drive during the day?***

Yes, you can. In Virginia people with nocturnal seizures may continue to drive, but only after a review by the DMV Medical Review Services. Even after DMV approval, drivers with nocturnal seizures are subject to periodic medical review. The frequency of required medical reports is based on the merits of each case.

***What happens if I do not tell the DMV about my seizures?***

There are three issues involved here: safety, the law, and insurance.

The safety risk is the biggest. This includes risk to you, risks to the people who drive with you, and risks to other drivers and pedestrians. There have been several widely publicized accidents involving people with epilepsy who either did not report their seizures or who reported them and did not stop driving. These cases always get ten times the publicity of the many more frequent cases of known drunks who have accidents while driving with a suspended license, or the driver with a history of heart disease who has a last heart attack on the interstate.

You are legally obliged to truthfully answer the questions on the learner's permit and driver's license application. If you do not, you can be denied a license or learner's permit for one year. If you have a license and made false statements on the application, your license is illegal and can be canceled or revoked. Your license can be revoked or suspended if you suffer from any disability that the DMV thinks can make it unsafe for you to drive.

Neither you nor your doctor are legally obliged to notify the DMV if you have a license and do have a seizure. However if you keep on driving and have an accident you could find yourself in serious trouble.

If you do get a license without telling the DMV that you have a seizure disorder, and you have an accident, your insurance company can refuse your claim because you were driving with an illegal license. If you are driving illegally your insurance company does not have to pay.

***Does my doctor have to tell the DMV about my seizures?***

No, in Virginia your doctor does not have to report your seizures. However, this patient/doctor confidentiality may be broken if the doctor thinks you are putting yourself or others at risk by driving. He or she will try to convince you not to drive, and may tell that they will report you if you do not stop. Doctors take confidentiality very seriously and will only violate it if they are convinced that they have a greater responsibility to public safety.

***I have not had a seizure in six months. Can I drive?***

In Virginia, the general policy of the DMV is that a person

must be seizure free for six months in order to drive. During that time, the person's license is suspended. Persons who wish to contest DMV medical review requirements/action, may request that their case be reviewed by the Medical Advisory Board. They can also request an administrative hearing in writing. Periodic medical reports may be required based on the merits of each case. A person who has been seizure free and off anti-seizure medication for two years can drive without any restriction or review.

***Can DMV decisions be appealed?***

Yes, there is an appeal process. You may bring letters from your doctor and present any information that you think will help you in your argument. Applications and rules for appeal can be downloaded by going to the DMV web page at <http://www.dmv.state.va.us>.

***Can I have a commercial license when I have epilepsy?***

The Federal Motor safety regulations-Part 391, and the Virginia Motor Carrier Safety Regulations state that drivers cannot be qualified if they have a medical history of epilepsy or take anti-seizure medication. There is one exception: A commercial driver's license can be awarded if a known provoking factor caused the seizures, it has been corrected and the person has been seizure free and off medication for two years.

**SELF MANAGEMENT**

Some persons are seizure free, but fear seizures while they drive. Here are some tips for those people:

Drive carefully and try to avoid busy streets and heavy traffic. Avoid stress. Stress can lower the seizure threshold. Do not get angry at slow traffic, other drivers, or the inevitable delays in car trips.

Try to remember when you had seizures in the past. If you only had seizures in the morning, don't drive in the morning. If they were only at night, do not drive then.

If you were photosensitive, continue to be very careful driving in the morning or evening when the sunlight flickers through the trees. The flashing light has triggered many people's seizures.

Some people have warnings before their seizures. If you know a seizure is coming on, pull over safely off the road and stop the car.

Changes in medications or medication dosage can trigger seizures. Do not drive until you know how the change will affect you.

EFVA does not and will not recommend that anyone having seizures drive. If you are driving illegally, please stop. You might hurt yourself, even worse, you might hurt somebody else.

**SEIZURE TRIGGERS**

Be aware of your seizure triggers. Physical and

emotional stress do not, by themselves, cause seizures. What they can do is lower the seizure threshold. When this happens, a seizure can occur.

There are a great many seizure triggers. If you have any of these triggers, be particularly aware of them when thinking about driving a car or running any kind of machinery. All of the things listed below can trigger seizures.

lack of sleep	change in medication levels
drug abuse	poor nutrition
fevers or colds	menstruation
low blood sugar	missed medication
exhaustion	alcohol abuse
heat or cold	anxiety

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### **SOME THOUGHTS FROM A DRIVER WITH EPILEPSY**

**BY ANNA BARNWELL**

Condensed from **Episota**, the newsletter of the Epilepsy Foundation of Minnesota.

When I moved to Minnesota from another state I struggled over whether to drive and what to do about the rules for reporting MY seizures to the state. When I renewed my license I chose to disclose my epilepsy and then had my license canceled for medical reasons for several years.

Eventually I gathered my courage to work on the issue of Minnesota's restrictive driving rules as an Advocate for the Epilepsy Foundation. Using a coalition of consumers and health professionals I worked with the Department of Public Safety to update their rules. Minnesota's rules for drivers with epilepsy are now more flexible, we have parity with other medical conditions such as diabetes, and the negative consequences of revealing a seizure disorder to the Department of Public Safety are half of what they were ten years ago.

I hope my driver's license will never be canceled again, but I hedge my bets by living near public transportation. Each morning I have the luxury of hearing the bus go by, knowing that for today, I have the choice to not use it.

The more transportation options you have, the easier it will be to live a life free of isolation and economic hardship. There are alternatives to driving in this society, and if they are inconvenient, expensive, or seem unfair, we have the obligation to change them. We can do it. We have done it before.

Any more questions: Write to

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