

Epilepsy and Driving in Ontario

In accordance with the Ontario Highway Traffic Act, the Ministry of Transportation (MTO) makes all decisions about driver's licences in Ontario. In the province, physicians are required under law to report anyone over 16 who they believe is not able to safely drive. These reports go to the MTO whether you have a driver's licence or not. When the report is received, the MTO will review the information and make a decision about the status of your driver's licence. The MTO might ask for more information or suspend your licence without the need for further evidence. If this happens, your licence will be reinstated when conditions are met and when the appropriate medical information is received, reviewed, and approved.

YOU MAY DRIVE WITH A SEIZURE DISORDER IN ONTARIO IF:

- Medication appears to have prevented your seizures AND:
 - You have been seizure-free for 6 months and your medication does not impair your consciousness (e.g., doesn't cause drowsiness), or cause poor coordination or muscle control.
 - Your doctor believes you are a conscientious patient who will take your medication responsibly and follow all the doctor's instructions carefully.
 - You are under regular medical supervision and your doctor believes you will report to him/her immediately should you have another seizure.
- You have had a single spontaneous seizure unrelated to any toxic illness and for which a full neurological examination reveals no form of epileptic activity.
- You have seizures only during sleep or immediately after you wake up (nocturnal seizures) and it has either been 6 months since your last seizure OR, if you still have seizures, the pattern has been consistent for at least 1 year.
- You have simple partial seizures and it has either been 6 months since your last seizure OR, if you still have seizures, the pattern has been consistent for at least 1 year. You also must have favourable assessment from a treating physician or neurologist, no impairment in your level of consciousness/cognition, and no head or eye deviation.
- You have been seizure-free for at least 6 months, but had a seizure after decreasing medication under your physician's advice and supervision. You may drive once you have resumed taking your previous medication at the prescribed dosage.

If your doctor has already submitted a report to the MTO, then you will usually receive a request from the MTO either to provide detailed medical information within a reasonable time frame or to have your licence suspended. This is usually the case, which allows the MTO to confirm whether a suspension is warranted. Alternatively, the MTO may choose to send a notice of suspension with a letter of explanation instead.

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■ Reinstating a licence after suspension

When reinstating your licence or appealing the decision to suspend your licence, you may consider the following options:

1. You may submit further medical information with the aid of your physician.

The MTO requires a detailed favourable report from a treating physician or specialist on the physician's letterhead. The report must be specific to the condition reported and the history details already on file. Provide all the details of your condition including history, treatment, compliance, control and the results of any tests or investigations. The report should include:

- The results of all investigations initiated by the doctor,
- The cause for the seizure, prescribed treatment, and
- Current status with confirmation that no further seizures have occurred.

The MTO will not reinstate your licence unless it has full disclosure of your condition and its stability. Upon receiving the requested information, the case will be reviewed and the driver will be notified of a decision by mail within approximately two to six weeks.

2. You may discuss your suspension face-to-face with a Ministry of Transportation representative at an Administrative Review. This is an opportunity to provide in your own words any information you believe the Ministry did not know or consider when making their decision. To arrange an appointment, you may contact the Ministry of Transportation's Driver Improvement Office.

3. You may also put your case down on paper, send it to the MTO and ask for a reply. Be sure to state clearly in your covering letter that you want your written submission to substitute for attending an Administrative Review.

If these steps are unsuccessful and you still don't agree with any decision made by the MTO, then you have the right to appeal to the Licence Appeal Tribunal.

You can visit the Licence Appeal Tribunal's website (www.sse.gov.on.ca/lat) for more information, their FAQ page, and their collection of information sheets. Additional information about the medical review process and the relevant committees can be found on the MTO's website (www.mto.gov.on.ca).

If you require further information or clarification, contact the Driver Improvement Office, Medical Review Section of the Ministry of Transportation.