



Irish College of General Practitioners Annual Conference



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*Assessing Medical Fitness to Drive: Prescription Medicines, Alcohol and Illicit Drugs –
Practical Update and Assessment & Prescribing Guidelines for Medical Practitioners*

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&

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www.mbrs.ie

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Declaration of Financial Interests or Relationships

I have no financial interests or financial relationships to disclose with regard to the subject matter of this presentation.

Professor Denis A. Cusack, Forensic & Legal Medicine &
Director, Medical Bureau of Road Safety

Topics

- Sláinte agus Tiomáint Summary
- Role and responsibilities of the driver and of the doctor
- Patient-Doctor Relationship
- Medical Systems Chapters
- Drugs Driving law in 2017 and into 2018
- Preliminary Drug Testing
- Drugs, Medicines and Driving

Medical Bureau of Road Safety

50 Years: 1968 - 2018

- The MBRS is the independent statutory body with responsibility for the chemical testing of intoxicants in drivers under the Road Traffic Acts since its establishment in 1968.
- Responsibilities include:
 - Approval, supply and testing of equipment for intoxicant alcohol and drugs testing
 - Forensic Laboratory based chemical testing (drugs and alcohol)
 - Road Traffic Medicine research

MBRS Functions

50 Years: 1968 - 2018

- Test blood and urine for alcohol and/or drugs



MBRS Functions

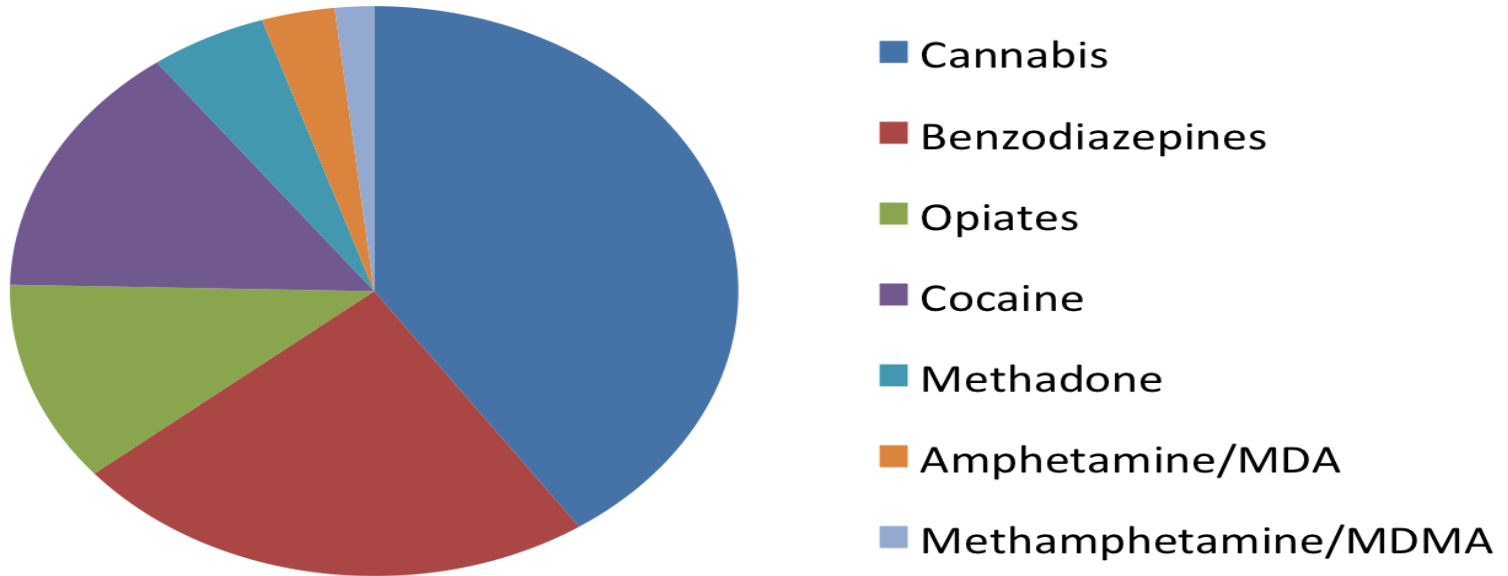
- Provide Preliminary Breath testing Devices



- Provide Evidential Breath Testing Instruments



DUID Results (2016)



DUID 2016

- Total blood and urine specimens 3,020 (i.e. excluding Evidential Breath Testing specimens)
- 1,225 under alcohol limit of 80mg% in blood specimens:
 - 813 positive on drug testing
 - 66% of under the limit specimens
 - 25% of all specimens
 - 89% male
 - Mostly 17- 44 year age range

Intoxicant

- “intoxicant” includes alcohol and drugs and any combination of drugs or of drugs and alcohol
- substance which when taken into a body by one means or another produces a condition of diminished mental and physical ability, hyperexcitability, or stupefaction.

Classes of Drugs - MBRS

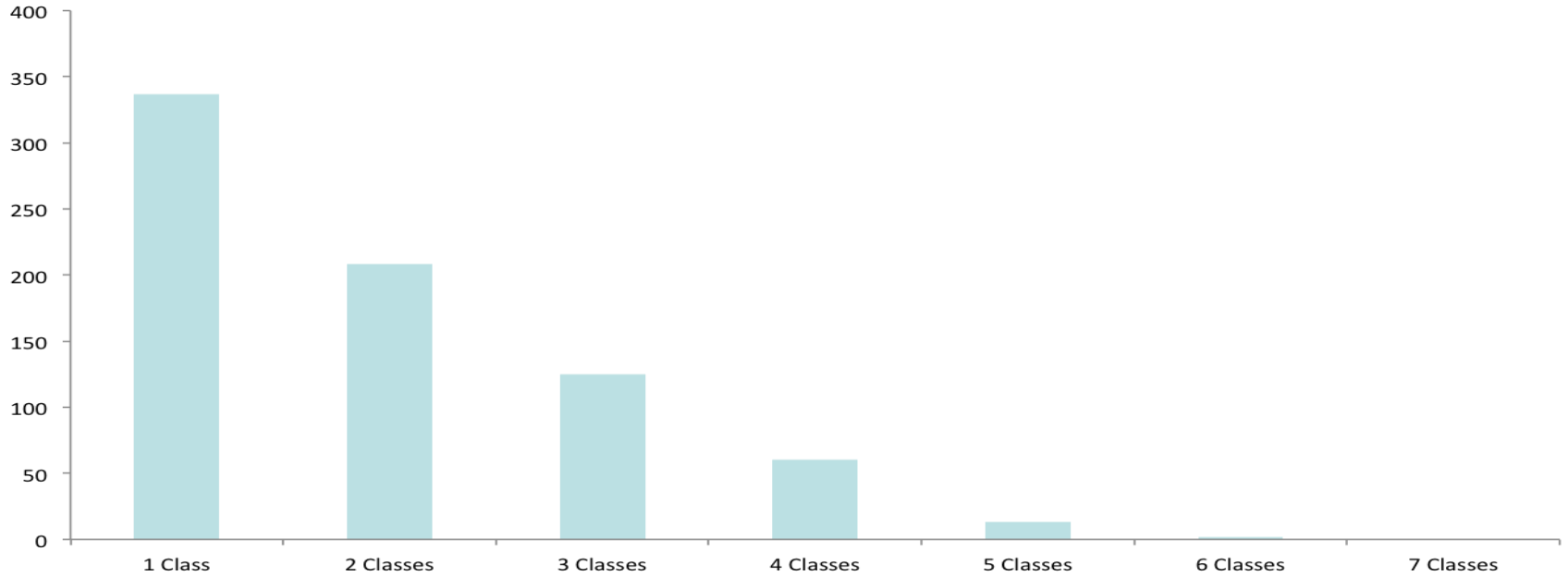
- Alcohol
- Cannabis
- Benzodiazepines
- Amphetamine / Metamphetamine
- Cocaine
- Methadone
- Opiates

Most Prevalent Drugs (in order)

1. Alcohol
2. Cannabis
3. Benzodiazepines
4. Cocaine
5. Opiates

Polydrug detection 2016

No. Specimens



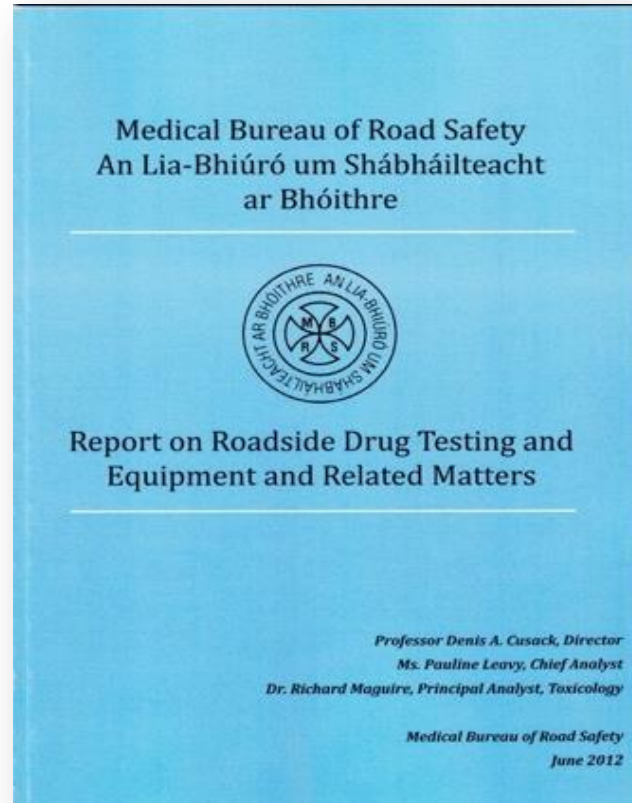
Road Traffic Data

**Medical Bureau of Road Safety / UCD Public
Health Medicine**

Driving under the influence of drugs in Ireland:
Results of a nationwide survey 2000-2001

Report on DUID

www.mbrs.ie/publications



Sláinte agus Tiomáint Summary

Medical Fitness to Drive

7th Edition May 2018

National Programme Office for Traffic Medicine,
RCPI/RSA

Sláinte agus Tiomáint (New May 2018 Edition)

[DUID and the link with Fitness to Drive]

Chapter 6.1 and 6.2:

Alcohol and Drugs Misuse and Dependence

Information Leaflets:

Medicines and Driving

&

Driving Under the Influence of Illicit Drugs and/or the Abuse of Prescription Drugs

Chapter 1, paras. 2.3 and 2.4:

Roles and Responsibilities of health professionals (including confidentiality and reporting to the NDLS); and Role of the Consultant



Sláinte agus Tiomáint

Medical Fitness to Drive Guidelines
(Group 1 and 2 Drivers)

April 2016

McGarvey v Barr and Doctor

- High Court Judgment 21st December 2011
- Fatal RTC 27th May 2008
- 4 year old girl in car driven by mother
- Serious spinal injury
- Impacted by car driven by Mr. Barr whose wife died in the collision

Court's Conclusions:

Shared

Doctor's responsibility

Patient's responsibility

(see also: DPP v Byrne, Circ. Crim. Court 2018)

MFtD Guidelines – Chapter 6

- Drug and alcohol misuse and dependence
- Group 1 and Group 2 Licences
- National Driving Licence Service
- Driver must notify NDLS
- Cannabis, cocaine, amphetamines, metamphetamine, heroin, methadone and other opiates, benzodiazepines

Alcohol Misuse and Dependence – Group 1 Driver

- Persistent misuse – driving cessation until minimum 3 months controlled drinking or abstinence (biomarkers if relevant)
- Dependence – 6 months cessation and return to driving requires satisfactory medical assessment
- Alcohol related seizures
- Alcohol related disorders
- Driver must notify NDLS

Prescribable Medications

- Benzodiazepines
- Opiates
 - Morphine
 - Codeine
 - Methadone
- Taken as per prescription
- In excess of prescription
- Off prescription (“borrowed” or “street market”)

Prescribable Medications

- Medicinal Cannabinoids
- THC
- Cannabidiol (CBD)
- HPRA Report and Expert Group
 - MS: severe spasticity, resistant
 - Epilepsy: severe, refractory
 - Chemotherapy: severe nausea, vomiting
- Medical Exemption Certificate

Over the Counter Medications

- Medications containing codeine (and paracetamol*), most frequently purchased-
 - Solpadeine * / Solpadol *
 - Migralve *
 - Feminex *
 - Uniflu Plus *
 - Nurofen Plus
 - Night Nurse
- <http://www.rsa.ie/en/Utility/News/2017/GARDAI-CAN-NOW-TEST-MOTORISTS-FOR-DRUGS-AT-THE-ROADSIDE/>

Increase in Prescription Drugs: Medical Card Holders 2006-2016

- Pregabalin 1086% ↑
- Escitalopram 232% ↑
- Codeine 208% ↑
- Oxycodone 159% ↑
- Zolpidem 88% ↑

Medicines Management Programme / Sunday Business Post 4th Feb18

These tests can be used as evidence of driver impairment in a prosecution for drug driving. Where a person is arrested on suspicion of drug driving the Gardai have the power to require the person to provide a blood specimen.

Penalties

If you are convicted of drug driving, you will get:

- a minimum 1-year driving disqualification if you are found to be above the legal threshold for cocaine, cannabis or heroin (since April 2017);
- a minimum of 4 years driving disqualification if you are found to have drugs in your body and are impaired to such an extent that you do not have proper control of a vehicle;
- up to €5,000 fine;
- up to 6 months in prison;
- a criminal record.

Medicines and driving

If you are taking prescription or over-the-counter medicines under the advice of your doctor or pharmacist, and so long as those medicines don't impair your driving, you have nothing to be concerned about. If you are in any doubt, you should speak to your doctor or pharmacist about your concerns.

A statutory medical exemption certificate is provided for in the law for people who have been prescribed medicinal cannabinoids in Ireland (medicinal marijuana). If this applies to you, you should carry the medical certificate with you while driving.



Follow us on:



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April 2017

RSA



Driving Under the Influence of Illicit Drugs and/or the Abuse of Prescription Drugs

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority



What is the law?

It is an offence to drive or attempt to drive a vehicle while under the influence of an 'intoxicant' to the point that you cannot keep proper control over the vehicle. An 'intoxicant' includes alcohol, illegal drugs, and medicine, and any combination of drugs or combination of drugs and alcohol.

Drug driving and the law

In Ireland, we have a twin-track approach to drug driving:

It is against the law to:

- 1) drive under the influence of drugs (including prescribed drugs) where your driving is impaired to such an extent that you don't have proper control of the vehicle;
- 2) drive under the influence of certain drugs (regardless of driving performance) above specified levels. There are currently three drugs specified – cannabis, cocaine and heroin.

If you are found to have any of these drugs above the specified limits, you can be prosecuted for drug driving with no proof of impairment necessary. This is the same as the law where a driver exceeds specified alcohol levels.

New 'preliminary' drug test

In April 2017, Gardaí were given new powers to conduct 'Preliminary Drug Testing' at the roadside or in Garda stations. This allows the Gardaí to establish checkpoints for testing drivers for drugs with similar powers to existing alcohol testing checkpoints. This system will allow Gardaí to test a driver's saliva for cannabis, cocaine, opiates (for example, heroin, morphine) and benzodiazepines (for example, Valium).

Drivers with medical conditions should continue to take their prescribed medications in accordance with healthcare advice and medical fitness-to-drive guidelines, which can be viewed at <http://www.rsa.ie/RSA/Licensed-Drivers/Safe-driving/Medical-Issues/>

But be aware of how the drugs you are taking might affect your ability to drive.

So, if you are taking prescription or over-the-counter medicines under the advice of your doctor or pharmacist, **and so long as those medicines don't impair your driving**, you have nothing to be concerned about.

If you are in any doubt, speak to your doctor or pharmacist about your concerns.

A statutory medical exemption certificate is provided for in the law for people who have been prescribed medicinal cannabinoids (medicinal marijuana) in Ireland. If this applies to you, you should carry the medical certificate with you while driving.



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April 2017

RSA



Medicines
and driving

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Road Safety Authority

RSA FAQ 22. Will I test positively from taking over-the-counter medicine e.g. aspirin/cold and flu medicine?

Most over the counter medicines will not be detected by the new oral fluid test. However, Codeine, which is contained in products like Nurofen Plus® and Solpadeine® is an opiate and is detectable in oral fluid after use. This is not a problem if you are not impaired. Codeine does have the ability to cause impairment which could affect your ability to drive safely. Medicines which can cause drowsiness such as anti-histamines which are in some cold and flu remedies may impair your ability to drive safely.

Follow the advice provided by your Doctor and/or pharmacist when taking any medicines and always read the patient information leaflet which will advise on recommended dosages and whether the medicine can affect your ability to drive.

Impairment

- Impairment evidence is frequently challenged in Court
- Standardised impairment testing introduced in November 2014: at roadside or in Garda Station
- 5 Tests: Romberg balance (and time awareness); one leg stand; finger to nose; walk the line; and pupil diameter measurement – 78 Garda Trainers trained to train Gardaí in 2011
- New law requires increased impairment testing use
- Further training of Gardaí in 2018 (MBRS & AGS)

Clinical Assessment

- Acute signs and symptoms
- Chronic signs and symptoms
- Psychological effects
- Psychomotor effects
- Physical effects
- Not whether licit or illicit drugs

Roadside Intoxicant Impairment Testing: Overall Assessment

SUBJECT: IMPAIRED / NOT IMPAIRED

Driving Under the Influence of Drugs

- Impairment and presence based legislation up to now
- Testing for drugs in laboratory since 1999
- Where the presence of a drug is confirmed (GC-MS/LC-MS) and there is evidence of impairment an offence has been committed
- If successfully prosecuted the penalty is a **4 year disqualification from driving**

Legislation

- Road Traffic Act 2016:
 - Preliminary drug testing (oral fluid)
 - *per se* drug levels
 - Medical exemption for Δ^9 Tetrahydrocannabinol (but still offence if impairment)

per se Levels

Drug/Metabolite	Level in Whole Blood
Δ 9 -Tetrahydrocannabinol (Cannabis)	1ng/ml
11-nor-9-carboxy- Δ 9 -tetrahydrocannabinol (Cannabis)	5ng/ml
Cocaine	10ng/ml
Benzoyllecgonine (Cocaine)	50ng/ml
6-Acetylmorphine (Heroin)	5ng/ml

1. Level must be greater than or equal to levels specified above
2. Uncertainty of measurement will be deducted (ca. 20%)
3. Maximum permitted time for collection is 3 hours
4. Strict liability 1 year disqualification
5. No requirement for impairment to be proven

Integrated Intoxicant Testing

- Preliminary Alcohol Test
- Preliminary Drug Test – roadside or Garda station
- Standardised Impairment Test
- Evidential Alcohol Test
- Forensic Laboratory Testing

Dräger DrugTest 5000

The Tester

Collects samples and performs sample testing



+



The Analyzer/Reader

Analysis of results and data processing

Drugs DT5000 Can Detect

- Cannabis
- Benzodiazepines
- Cocaine
- Opiates

EBT/PDT Locations April 2018



Certified Results 2017-18

- Certificates:
 - Concentration of alcohol [white]
 - Confirmed presence of drug(s) [blue]
 - Concentrations of specified drug(s) [green]
- Since 13th April 2017, 456 “green certificates” and 130 of these also had a “blue certificate” issued (to 30th April 2018).

Drugs Driving Considerations

Cannabis or Cocaine Positive

- New drug blood *per se* law
- Blood specimen required and power to require this is in new Act – requires Forensic Doctors & Nurses
- Where blood is above *per se* level no impairment required for prosecution
- If urine is collected impairment evidence will be required – IIT trained Gardaí

Benzo or Opiate Positive

- May be prescribed
- But may be used "off prescription"
- Impairment evidence required
- New *per se* law also applies to opiate heroin metabolite 6-AM, but detection rate expected to be very low

Summary of DUID 2018

- Evidence based road safety measure
- Still have presence and impairment legislation
- Also now have PDT and *per se* levels for 3 illicit drugs
- Medical exemption for Δ^9 THC if not impaired
- Very important that drivers continue to take prescribed and over the counter medications for proper health reasons as advised – fit to drive
- Impairment evidence remains a critical part of enforcement
- For drugs driving there is now a further visible roadside deterrent nationwide since April 2017

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Medical Bureau of Road Safety

50 Years: 1968 – 2018

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