



# SATA Patient Information Sheet

## Detailed DVLA Guidance for UK Drivers with Sleep Apnoea

### 1. DVLA RULES

#### 1.1 Categories of Driver

The DVLA has slightly different rules for drivers of cars and motorcycles (Group 1) than for bus and lorry drivers (Group 2), Taxi drivers, and drivers of emergency vehicles, e.g. police, fire, coastguard, ambulance and health service vehicles may have additional, higher, medical standards set by the relevant tax licensing authority, or their individual force, service, or other relevant body. DVLA guidance recommends to local authorities that taxi drivers should meet the same medical standards as Group 2 bus and lorry drivers,

#### 1.2 Diagnosis

**Please note that in all situations where excessive sleepiness is referred to it is defined by the DVLA as "excessive sleepiness having, or likely to have, an adverse effect on driving". Where DVLA guidance refers to "drowsiness" it should be interpreted as excessive sleepiness.**

##### 1.2.1 Group 1, Car and Motorcycle Drivers

**Mild, moderate or severe Obstructive Sleep Apnoea (OSA) without excessive sleepiness:**

*You may continue to drive as normal and you do not need to notify the DVLA.*

**Mild Obstructive Sleep Apnoea Syndrome (OSAS), i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

*You must **NOT** drive until the excessive sleepiness symptom has been satisfactorily controlled. However, you must inform the DVLA if the symptoms cannot be controlled within three months.*

**Moderate or severe Obstructive Sleep Apnoea Syndrome (OSAS) i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

*You must **NOT** drive and must notify the DVLA. You will continue to be licensed to drive, or can apply for your driving license to be restored if previously revoked, once your OSAS is under control, your sleepiness has improved, and you are adhering to CPAP treatment. The DVLA will require medical confirmation of this.*

**Excessive sleepiness due to suspected Obstructive Sleep Apnoea Syndrome (OSAS):**

*You must **NOT** drive until the symptom is satisfactorily controlled but need only notify the DVLA if the suspected diagnosis is confirmed as mild OSAS and the symptoms cannot be controlled within three months. If the diagnosis is that the OSAS is moderate or severe, the notification requirements in the previous paragraph apply.*

##### 1.2.2 Group 2, Bus and Lorry (and Taxi) Drivers

**Mild, moderate or severe Obstructive Sleep Apnoea (OSA) without excessive sleepiness:**

*You may continue to drive as normal and you do not need to notify the DVLA.*

**Mild Obstructive Sleep Apnoea Syndrome (OSAS), i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

*You must **NOT** drive until the excessive sleepiness symptom has been satisfactorily controlled. However, you must inform the DVLA if the symptoms cannot be controlled within three months.*

## **Moderate or severe Obstructive Sleep Apnoea Syndrome (OSAS) i.e. Obstructive Sleep Apnoea with the symptom of excessive sleepiness:**

*You must **NOT** drive and must notify the DVLA. You will continue to be licensed to drive, or can apply for your driving license to be restored if previously revoked, once your OSAS is under control, your sleepiness has improved, and you are adhering to CPAP treatment. The DVLA will require medical confirmation of this.*

## **Excessive sleepiness due to suspected Obstructive Sleep Apnoea Syndrome (OSAS):**

*You must **NOT** drive until the symptom is satisfactorily controlled but need only notify the DVLA if the suspected diagnosis is confirmed as mild OSAS and the symptoms cannot be controlled within three months. If the diagnosis is that the OSAS is moderate or severe, the notification requirements in the previous paragraph apply.*

### **1.3 Review of Treatment.**

The DVLA guidelines require the driver to confirm that a review of your condition has been undertaken at least every three years for Group 1 drivers, and at least annually for Group 2 drivers. It will be your responsibility as the driver to contact your Sleep Clinic to arrange this review in good time before the end of each three-year or annual period. How this review will be undertaken will be a matter for your Sleep Clinic, and options may range from a simple telephone conversation to a visit to the Sleep Clinic.

### **1.4 What Should I do?**

#### **1.4.1**

There is a common element in the revised DVLA Guidelines. This is that you must not drive, when OSAS is suspected or diagnosed, until a diagnosis is confirmed, and the symptoms are controlled.

#### **1.4.2**

If you have some of the symptoms described above, particularly excessive sleepiness, do not drive, seek an appointment with your GP, and ask the GP for a referral to a Sleep Clinic. Before seeing your GP, download and complete the Epworth Sleepiness Scale Score Form from this website (click on Leaflets, Forms & Sleep Matters – Leaflets – Epworth Sleepiness Scale).

#### **1.4.3**

If you are a professional driver, who relies on your driving licence for your livelihood, mention this to your GP and ask that on your referral letter the GP clearly requests the Sleep Clinic to provide fast tracked treatment within four weeks, as recommended by NICE.

#### **1.4.4**

If you are a driver living in a remote rural area with little or no access to public transport, a disabled driver using a Motability adapted car, a driver upon whom the lives of immediate family or others depend upon your providing transport, shopping, etc., mention this to your GP and ask that on your referral letter the GP clearly requests the Sleep Clinic to provide fast tracked treatment within four weeks.

**1.4.5** You must get a precise diagnosis from your Sleep Clinic in order to make the decision on whether or not you have to inform the DVLA. Is it obstructive sleep apnoea without excessive sleepiness or obstructive sleep apnoea with excessive sleepiness, in other words, obstructive sleep apnoea syndrome. **THIS IS VITAL.**

#### **1.4.6**

If you are diagnosed with Obstructive Sleep Apnoea (OSA) and by definition, do not have excessive sleepiness you may continue to drive as normal and you do not need to notify the DVLA.

#### **1.4.7**

If you are diagnosed with Obstructive Sleep Apnoea Syndrome (OSAS), and therefore have excessive sleepiness SATA recommends that, regardless of whether you are a type 1 or a type 2 licence holder, you write to the DVLA to inform them, rather than telephoning the helpline number or sending an e-mail. You must stop driving in the interim and start the prescribed treatment (probably by means of CPAP).

#### **1.4.8**

Do not inform the DVLA until you have been diagnosed and then only if the rules state that you have to.

#### **1.4.9**

SATA recommends writing to DVLA rather than telephoning or sending an e-mail for two reasons. The first is that it is much more likely that your letter and form will receive a more carefully considered response than, regrettably, is often the case with the more instant response to a telephone call or e-mail. The second reason is that if your Sleep Clinic has issued you with a CPAP, and has confirmed that the treatment is successful, by the time the DVLA sends you the form to fill in (SL1 or SL1V) you should be in a position to tell DVLA that you are no longer sleepy and there will be no need to withdraw your licence. If in doubt, consult your Sleep Clinic for advice before completing Form SL1 or SL1V.

#### **1.4.10**

Once this treatment is successfully controlling your symptoms, and your consultant has confirmed this, you may start driving once again. Your licence won't be affected as long as you continue to comply with the treatment and meet the DVLA review requirements of at least every three years for Group 1 drivers and at least annually for Group 2 drivers.

#### **1.4.11**

However, until you have been formally diagnosed you should NOT drive. If the diagnosis confirms OSAS, i.e. with excessive sleepiness, you should continue not to drive until the Sleep Clinic starts you on treatment and confirms that it is successfully controlling the symptoms.

## **2. AHI (APNOEA/HYPOPNOEA INDEX)**

You may see references to AHI. This is a measurement which is included in the European Directive on which the DVLA guidance is based, and is referenced in that guidance. The Apnoea/Hypopnoea Index measures the number of Apnoeas (where breathing stops) or Hypopnoeas (where breathing is overly shallow) per hour of sleep. It is regarded by some as an indicator of the severity of excessive sleepiness.

The central focus for a medical professional in making an assessment should and has been based on excessive sleepiness and whether this has, or is likely to have, an adverse effect on driving. The DVLA has now recognised this, and their revised guidelines contain the following "Legislation states that objective sleep study measurements for driving assessment purposes should use the apnoea-hypopnoea index (AHI). Recognising that not all sleep services use AHI, the DVLA will accept results of equivalent objective tests." Some of you will not receive AHI measurements but ODI (Oxygen Desaturation Index) measurements.

## **3. HOW DO I COMPLETE FORMS SL1 OR SL1V?**

***This guidance is based on the current versions of Forms SL1 and SL1V. DVLA has undertaken to clarify and reissue these forms. When they do so this guidance will be amended. The guidance specifically relates to the second page of each form, headed "Sleep Medical Questionnaire".***

### **3.1 Form SL1 (Group 1 Drivers)**

#### **Question 1.1**

If your Sleep Clinic has diagnosed Obstructive Sleep Apnoea Syndrome, i.e. with excessive

sleepiness, you need to tick the OSAS box. If your diagnosis is Sleep Apnoea or Obstructive Sleep Apnoea you need to check with your Sleep Clinic as to whether they think you have excessive sleepiness. If not, we suggest you only tick the "Obstructive Sleep Apnoea" box, and tick "No" in Question 1.2.

### **Question 1.2**

SATA suggests that you interpret this question as whether or not you have the symptom of excessive sleepiness. If you have, tick "Yes", if you have no excessive sleepiness, tick "No".

### **Question 1.3**

If your Sleep Clinic has confirmed that your CPAP therapy is working satisfactorily, tick "Yes".

### **Question 1.4**

If you are completing this form after recent diagnosis and treatment presumably the first box will apply.

### **Question 2.1**

Regular reviews are required under the revised DVLA rules. If you do not agree DVLA will withdraw your licence.

### **Question 3.1**

If you have not seen a healthcare professional within the previous 12 months, DVLA could withdraw your licence.

### **Question 3.2**

SATA recommends that you suggest your Consultant rather than your GP for further DVLA contact.

## **3.2 Form SL1V (Group 2 Drivers) NB. In SATA's view this is a less confusing form than Form SL1**

### **Question 1**

We assume you will be completing this form in respect of Obstructive Sleep Apnoea.

### **Question 3**

If you have mild OSA and your condition is not under control within three months DVLA will withdraw your licence.

### **Question 4**

SATA suggests interpreting "drowsiness" as "excessive sleepiness" and answer the question on that basis.

### **Question 9**

If you are newly diagnosed, the date would normally be the date on which your Consultant or Sleep Clinic confirmed that your CPAP treatment was successfully controlling your excessive sleepiness. Sleep Clinics will undertake annual reviews in different ways, and the annual review may be a simple telephone call. If so the date of the call which confirmed the Sleep Clinic confirmed your continuing compliance with CPAP treatment.

## **4. ALREADY LOST YOUR LICENCE?**

It is clear from calls to the Helpline reports that DVLA staff you have to deal with do not have sufficient knowledge of sleep apnoea, nor are we are convinced that they fully understand their own rules. The quality of the response is so variable you can easily lose your licence in just a few minutes, once the DVLA has your name and address.

The DVLA can revoke your licence without question and it may be months before you get it

back.

SATA continues to recommend strongly that you do NOT telephone the DVLA, e-mail them, or use their medical online reporting system but write to them instead. This advice is given for the reasons set out above, under "What Should I Do?".

## **5. REASONS FOR CHALLENGING THE DVLA**

Your license may have been revoked because of information you, your GP or your Sleep Clinic have provided.

### **5.1 You**

You may have made a mistake in how you contacted the DVLA, for example you gave a wrong answer in a phone call, filled in a form incorrectly or ticked an incorrect box on their on-line medical reporting system.

#### **5.1.1**

You need a letter to the DVLA signed by a doctor/consultant to prove you are fit to drive.

#### **5.1.2**

If this does not succeed you need to contact your local MP with a copy of all the paperwork and ask that the MP contacts the DVLA to help you get your licence restored.

#### **5.1.3**

It will help to have prepared a diary of events in date order with brief details of your pathway, from your initial recognition of symptoms up to your current position.

## **5.2 Your GP**

### **5.2.1 Your GP made a mistake in the information provided to the DVLA.**

#### **5.2.1.1**

You need to contact your GP and get a copy of the information sent to DVLA, which you are entitled to under the NHS Constitution.

#### **5.2.1.2**

Ask the GP to write to the DVLA correcting the mistake and ask for a copy of the letter.

### **5.2.2 Your GP suspected Sleep Apnoea, but as there was no evidence of excessive sleepiness, you were advised that you could continue driving but that you had to inform the DVLA. When you did, your licence was immediately revoked.**

#### **5.2.2.1**

The DVLA should have told you that as there was no excessive sleepiness you did not need to inform them, and they should not have withdrawn your licence.

#### **5.2.2.2**

Tell your GP that the advice to contact the DVLA was wrong, as there was no excessive sleepiness.

#### **5.2.2.3**

If necessary, give the GP a copy of the new wording. Insist your GP writes to the DVLA requesting that your licence be reinstated and ask for a copy of the letter.

### **5.2.3 Your GP suspected Sleep Apnoea, advised you not to drive and told that you had to inform the DVLA. When you did, your licence was revoked immediately.**

#### **5.2.3.1**

The DVLA should have confirmed that you should not drive and told you that you had three months to arrange a sleep test and diagnosis.

#### **5.2.3.2**

They should not have withdrawn your licence.

#### **5.2.3.3**

You need to advise your GP that the advice to contact the DVLA before a sleep test and diagnosis was wrong.

#### **5.2.3.4**

If necessary, give the GP a copy of the new wording. Insist that your GP writes to the DVLA requesting that your licence be reinstated and ask the GP for a copy of the letter.

### **5.2.4 Your GP informed the DVLA directly before having referred you to a Sleep Clinic for diagnosis.**

#### **5.2.4.1**

You need to ask the GP why

#### **5.2.4.2**

GPs can only break patient confidentiality, if they think that your continuing to drive against their specific advice not to, represents, in their opinion, a safety risk to others.

#### **5.2.4.3**

Unless they have done so for reasons other than Sleep Apnoea, you need to insist on an urgent referral to a Sleep Clinic with a request for a fast track diagnosis, since your licence has already been withdrawn.

#### **5.2.4.4**

You should ask the GP to write to the DVLA to explain and to seek reinstatement of your licence and ask for a copy of that letter.

## **5.3 Your Sleep Clinic**

### **5.3.1 Your Sleep Clinic made a mistake when they informed the DVLA.**

#### **5.3.1.1**

You need to ask the Sleep Clinic for a copy of the information that was sent, which you are entitled to under the NHS Constitution.

#### **5.3.1.2**

You should also ask the Sleep Clinic to write to the DVLA correcting their mistake, and ask for a copy of their letter.

### **5.3.2 Your Sleep Clinic advised you to inform the DVLA before your sleep test and diagnosis, but you did not have excessive sleepiness. When you did so, your licence was immediately revoked.**

### **5.3.2.1**

You need to tell your Sleep Clinic that they were wrong to advise you to contact the DVLA as there was no evidence of excessive sleepiness. If necessary, give your Sleep Clinic a copy of the new wording.

### **5.3.2.2**

Ask your Sleep Clinic to write to the DVLA requesting that your licence be reinstated, and ask for a copy of their letter.

## **5.3.3 Your Sleep Clinic advised you to inform the DVLA before your sleep test and diagnosis.**

**5.3.3.1** The DVLA should have confirmed that you should not drive and told you that you had three months to arrange a sleep test and diagnosis.

### **5.3.3.2**

Contact your Sleep Clinic and advise them that they were wrong to advise you to inform the DVLA before the sleep test and diagnosis. If necessary, give the Sleep Clinic a copy of the new wording.

### **5.3.3.3**

Ask your Sleep Clinic to write to the DVLA requesting that your licence be reinstated, and ask for a copy of their letter.

## **5.3.4 You informed the DVLA that you had been diagnosed with moderate or severe OSAS, and that you are continuing not to drive. The Sleep Clinic cannot start you on CPAP therapy within the three month DVLA deadline, and the DVLA is going to revoke your driving licence**

### **5.3.4.1 Recommended Action**

Ask your GP for an e-referral to another Sleep Clinic that can put you onto CPAP therapy almost immediately. You will need to obtain your Sleep Clinic test results so that your GP can send them to the alternative Sleep Clinic.

SATA has information about areas where the CPAP service is poor and areas where a patient can get onto CPAP treatment very quickly, but you may have to travel a long way at your own cost.

### **5.3.4.2 Alternative action**

Ask your GP to contact the DVLA and let them know that the delay in the commencement of CPAP therapy lies with the NHS, and that you are not driving, and request that deadline be extended.

If this fails go to your local MP with a copy of your diary of events, all the paperwork and any recordings and ask them to contact the DVLA and help you get the deadline extended.

## **6. IF THESE STEPS ARE UNSUCCESSFUL**

### **6.1**

If there is any problem with your GP, contact the local Clinical Commissioning Group (CCG) to which your GP practice belongs.

## **6.2**

If there is any problem with your Sleep Clinic, contact their Patient Advice and Liaison Service (PALS) and raise a formal complaint

## **6.3**

Write to your local MP with a copy of any correspondence with the CCG or PALS, a copy of your diary of events and all the paperwork and ask them to contact the DVLA and help you get your licence restored.

### ***DISCLAIMER***

*The information contained in this document is for general information purposes only. It is in no way intended to replace the professional medical care, advice, diagnosis or treatment of a doctor. If you are worried about any aspect of your health, you should consult a doctor in person.*

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