

Driving With a Cleft Palate: *How One Man Lost His License*

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At first glance, the relationship between having a cleft palate and the confiscation of one's driver's license is unclear. Unfortunately, one of our clients, Diego now understands this relationship very well. Late last year, Diego, a 26-year-old man with a repaired cleft lip and palate, was stopped by police as part of their program to reduce impaired driving everywhere (R.I.D.E.). For this program, motorists are stopped randomly and if the police officer smells any alcohol, the motorist is asked to blow into a roadside screening breath alcohol detection device (i.e., Alcotest 7410 GLC).

Late one night, after dropping off his friends, Diego was stopped by a police officer in the R.I.D.E. program. The officer said that he could smell alcohol and also noted that Diego's eyes were red. Diego explained that the alcohol smell was from his friends who were recently in the car. He did not have anything to drink, and that his eyes were red due to recent eye surgery. Diego was asked to blow into the Alcotest. After three unsuccessful attempts, Diego explained to the officer that because of his condition (cleft lip and palate), he wasn't able to produce the required oral air pressure for the minimum length of time required for a reading to be made. However, the officer did not appear to believe him. The officer instructed Diego to try the test over and over again and to keep blowing until he was told to "stop". Diego ran out of air long before the officer said, "stop". When repeated attempts did not result in a reading, Diego was charged with failing to provide a breath sample.

What happened?

As a result of this charge, Diego's license was confiscated and his car was towed away. At the time of the incident, Diego had both a full-time and a part-time job. Without a driver's license, he was not able to continue his part-time job because it required a car. In addition, Diego reported that due to stress from the incident, he had difficulty sleeping and experienced nightmares. Financial costs were high with lawyer's fees and lost income from not being able to continue his part-time job. The case finally went to court 2-1/2 months after the incident occurred. Diego's lawyer presented letters from cleft palate team members (i.e. speech-language pathologist, director of the program, and craniofacial surgeon) and Diego's ophthalmologist explaining his medical status and how it could contribute to difficulty completing the Alcotest and red eyes. Diego was acquitted.

Why might a person with a cleft palate be unable to complete an Alcotest?

Alcohol screening devices vary in the amount of intraoral air pressure (i.e. air pressure in the mouth) they require for a reading. The Alcotest requires 6L/min for 12 seconds or 14L/min for 4 seconds. Due to the amount of intraoral air pressure required, a person with a cleft palate may not be able to successfully complete this task or do similar tasks (e.g. blowing up a balloon, playing a wind instrument). For Diego, previous speech reports showed that he had air escape from the nose when speaking (i.e. nasal air emission) and he was not able to blow into a tube containing water (i.e. U-tube manometer) to create enough intraoral pressure to move the water in the tube unless he plugged his nose. Even with nose plugging, the amount of water displaced was less than that generally displaced by a person with adequate intraoral pressure. Unfortunately, Diego did not think of plugging his nose at the time of the incident. He had only tried nose plugging once during a speech assessment years ago.

What can you do if this happens to you?

1. Explain your diagnosis and its implications to the police.
2. If blowing is difficult for you, plug your nose as you blow into the breath alcohol detection device.
3. Keep this article in the glove compartment of your car and show it to police.

What should you do if your license is taken away and you go to court?

1. Consult a lawyer.
2. Show them this article.
3. Get letters from appropriate health care professionals (e.g. speech-language pathologist, plastic surgeon) explaining your diagnosis.
4. Get results of previous assessments and their implications (i.e. inability to create enough air pressure to successfully blow into a breath alcohol detection device).

We do not know of any other cases of incidents such as this one. If you have had a similar experience, please contact Anna Pileggi at Aboutface (email info@aboutfaceinternational.org). It may be helpful to bring this article to the attention of the police commissioner or R.I.D.E. program in your area.