DUI or Fibromyalgia? Driving Under the Influence of Pain

Article provided by The Law Offices of Howard Weintraub, P.C.

Michael and William, old friends from college, decided to meet for dinner one evening in Buckhead, Atlanta’s most frequented nightlife and restaurant district. Over a glass of wine they swapped war stories and reminisced about the good times they shared while attending the University of Georgia.

William tells Michael he has been recently diagnosed with fibromyalgia (FM) and has been dealing with constant pain, exhaustion and forgetfulness since a car accident several years ago. Generally thought to be a syndrome mainly affecting females, fibromyalgia and gender has become a medical controversy adding to the confusion of diagnosing this painful condition. Because FM is more prevalent among the female gender, this syndrome is often misdiagnosed among the male population, but in reality, it does afflict men as well.

On the way home, William is pulled over and the officer requests that William take field sobriety tests. Because William only had one glass of wine with dinner, he obliged the officer’s request. After having difficulties with the balance and coordination portions of the tests, the officer gives William a portable breath test and it registers positive for alcohol and he is arrested for DUI…

What is Fibromyalgia and How Does it Affect Alcohol Tolerance?

The origins of fibromyalgia syndrome, often associated with Chronic Fatigue Syndrome (CFS) or rheumatoid arthritis, are not fully understood because the exact causes of fibromyalgia are unknown. Those who have been diagnosed with fibromyalgia typically suffer from chronic pain, joint pain, poor balance, difficulty sleeping, fatigue and many other symptoms. As fibromyalgia is a syndrome, it is defined as “a collection of signs, symptoms, and medical problems that tend to occur together but are not related to a specific, identifiable cause,” according to the National Fibromyalgia Association. People who suffer from fibromyalgia are reporting in forums that they are unable to handle drinking as much alcohol as they formerly could. Alcohol contains toxins, and is known for its inflammatory, depressant and sleep disruptive effects; consuming alcoholic beverages can exacerbate the symptoms of FM.

Even if someone hasn’t had any alcohol at all, it has been proven that numerous health conditions and chronic illnesses can affect the outcome of breathalyzers by registering false positives. Some studies suggest that alcohol consumption induces hypoglycemia in diabetics. Sometimes diabetics suffering from hypoglycemia actually mimic the physical responses of a drunken driver. Even worse, when someone suffering from hypoglycemia is in a state of ketoacidosis, he or she will produce levels of acetone in the mouth that can be read by breathalyzer machines as a compound in the methyl group, which will trigger a positive reading for alcohol. Thus, the breath alcohol test may register high amounts of alcohol, even if the subject has not been drinking. This phenomenon of false positives for alcohol by the Alcosensor and the hand portable testing device
Breathalyzer machine has not been studied for those who have fibromyalgia, but results could be similar. For sufferers of fibromyalgia, hypoglycemia (low blood sugar level) is common.