FMCSA-RG-390.5T-FAQ027

FMCSA-RG-390.5T-FAQ027(2022-02-25)

**Question 27:** A person is transported to a hospital from the scene of a commercial motor vehicle traffic accident.

In one situation, the person undergoes observation or a checkup. Is this considered “medical treatment,” making the CMV occurrence an “accident” for purposes of the Federal Motor Carrier Safety Regulations?

In another situation, the person undergoes x-ray examination or is given a prescription but is released from the facility without being admitted as an inpatient. Is the x-ray or prescription considered “medical treatment,” making the CMV occurrence an “accident” for purposes of the FMCSRs?

**Guidance:** In the first situation, no. A person who does not receive treatment for diagnosed injuries or other medical intervention directly related to the accident, has not received “medical treatment” as that term is used in 49 CFR 390.5 or 390.5T.

In the second situation, a person who undergoes an x-ray examination (or other imaging, such as computed tomography or CT) has not received “medical treatment.” The x-ray examination is a diagnostic procedure but is not considered “medical treatment.” However, a person who is given prescription medication (or the prescription itself) has received “medical treatment.”

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*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic: “Medical treatment” that triggers “accident” classification**

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