



# National Transportation Safety Board

Washington, D.C. 20594

## Safety Recommendation

Date: OCT 2 1986

In reply refer to: H-86-51 and -52

Governors of all States  
 (except California, Connecticut,  
 Delaware, Illinois, Indiana,  
 Nevada, New Jersey, Oregon,  
 and Pennsylvania)  
 and the Mayor of the  
 District of Columbia

About 3:20 p.m. on May 31, 1985, a northbound Military Distributors of Virginia, Inc., (MDV) tractor-semitrailer collided with two southbound vehicles on a curve on U.S. 13, about 2.3 miles south of Snow Hill, North Carolina. The first collision on the two-lane, undivided highway was with a 1982 schoolbus operated by the Greene County (North Carolina) Board of Education. After this collision, the MDV vehicle continued northbound and struck a tractor-semitrailer loaded with grain, which had been following the schoolbus on the two-lane highway. During the collision with the grain truck, the MDV semitrailer separated from its tractor, continued northbound, and overturned onto its right side in the northbound lane. The rear of the grain truck's semitrailer remained on the highway and was struck by a passenger automobile. After the collisions, the MDV tractor, the grain truck's tractor, and the front of the grain truck's semitrailer caught fire. The weather was clear and the pavement was dry. The MDV truckdriver sustained fatal injuries. Of the 27 schoolbus passengers (ages 5 to 13 years), 15 sustained minor or moderate injuries, 10 sustained serious or severe injuries, and 2 received critical injuries. Six of the passengers died. The schoolbus driver, the grain truck driver, and the automobile driver and passenger sustained minor injuries. 1/

On June 30, 1976, while the MDV truckdriver was still a minor and a military dependent, he was treated at the Portsmouth, Virginia, Naval Regional Medical Center (NRMC). His NRMC medical records indicate that he reported that he had fallen down a flight of stairs and sustained a head injury about 2 months before the visit to the medical facility. He then had experienced a seizure during which he had bitten his tongue while he was unconscious. He also reported he had been experiencing muscle contractions which he could not control. The NRMC performed an electroencephalogram (EEG) which was judged to be abnormal, and he was diagnosed as having a seizure disorder. The medical examiner prescribed phenobarbital in 32-milligram doses to be taken three times daily, and recommended no motor vehicle driving for 6 months.

1/ For more detailed information, read Highway Accident Report—"Multiple-Vehicle Collision and Fire, U.S. 13, near Snow Hill, North Carolina, May 31, 1985" (NTSB/HAR-86/02).

The 27-year-old truckdriver had been employed by MDV since March 1981, first as a warehouseman, and then as a truckdriver starting in June 1983. Although he first worked in the MDV warehouse, when he applied for a job with MDV, he applied for a truckdriver position. His employment application, completed on March 5, 1981, contained the question "Do you have any physical condition which may limit your ability to perform the job applied for?" The truckdriver answered "no" to this question.

The truckdriver held a Virginia class A license authorizing the operation of large commercial vehicles. The license was originally issued on June 14, 1983, and the license application in use by Virginia at that time contained a question asking if the applicant had a visual, physical, or mental condition that impaired his ability to drive. The truckdriver answered "no" to this question. The truckdriver applied for renewal of this license on May 8, 1985. Virginia had revised its license application form, and this application contained the question "Have you ever had a seizure or blackout, or do you have a visual, mental, or physical condition which requires that you take medicine or use special equipment in order to drive?" The truckdriver answered "no" to this question and certified that the information given was true and correct by signing the application. Virginia renewed the license on May 10, 1985.

The MDV truckdriver gave false answers to questions concerning his medical condition on his MDV truckdriver employment application in March 1981, on his Virginia truckdriver license application in June 1983, when he was physically examined in September 1984, and again when he applied for renewal of his Virginia class A license 23 days before the accident in May 1985. The Safety Board concludes that the MDV truckdriver, by giving false answers to questions concerning his medical condition, deliberately concealed his epilepsy from his employer, the physician who performed his U.S. Department of Transportation required physical examination in September 1984, and the Virginia licensing authority.

In another accident on April 4, 1985, a 15-passenger van owned by a children's day-care center and transporting 12 six- and seven-year-old children was traveling eastbound on Schaumburg Road in Schaumburg, Illinois. Witnesses reported that the van swerved to the left, crossed the 16-foot-wide median, and collided head-on with a vehicle traveling westbound on Schaumburg Road. The driver of the westbound vehicle and one of the children in the van were killed, six children sustained serious or critical injuries, and five children sustained minor or moderate injuries. There were three children occupying the bench seat in the van immediately behind the driver; one of these children reported that just before the collision the van driver "laid down," the second child reported that the driver "went on her right side," and the third child reported that the driver fainted.

According to medical records, the 24-year-old van driver, who sustained serious injuries in the accident, had a medical history showing that she suffered from "blankouts," and was under the care of a neurologist who prescribed dilantin to control the disorder. The van driver's mother stated that the driver had not been taking her medication for about 1 week before the accident.

The driver of the van had been issued an Illinois class A license on August 23, 1979, which was reissued on December 14, 1982. The license application contained the question "Do you have any disability which might cause you to suffer from periods of temporary loss of consciousness? (If answered 'yes,' a statement will be required from your physician and a medical agreement form must be filed.)" The driver answered "no" to this question.

The employment application used by the day-care center where the driver was employed contained a question that asked the applicant, "Do you have any physical defect, disease, or disability?" The van driver answered "no" to this question on her employment application dated July 17, 1984. 2/

On February 23, 1986, an automobile collided head-on with a van occupied by the driver and 14 other persons on U.S. 192 about 1 1/2 miles west of Deer Park, Florida. Witnesses stated that before the collision, the automobile was traveling westbound in the eastbound lane of the two-lane, undivided highway. After the collision, the van overturned onto its right side and caught fire. Seven occupants of the van died from thermal burns and smoke inhalation, and the remaining eight occupants of the van sustained minor to serious injuries.

Medical records showed that the 27-year-old driver of the automobile, who was killed in the accident, had experienced seizures since 1978, and dilantin had been prescribed to control his seizure disorder. Toxicological tests performed after the accident indicated there was no discernible level of dilantin in the automobile driver's blood. The automobile driver had been issued a Florida driver's license in 1979. The license application asked if the driver ever suffered from epilepsy, fainting, or dizzy spells. The driver answered "no" to this question. 3/

According to the Epilepsy Foundation of America, nine States 4/ require any physician who diagnoses or treats a person with certain medical conditions to report that person's name, age, and address to a central State agency, usually the department of motor vehicles or public safety. The different State reporting requirements vary in the circumstances under which persons must be reported; e.g., all persons with epilepsy, or only those whose condition interferes with their ability to drive. The requirements also differ as to whether the intended use of the information is specified in the law, and as to the penalty, if any, for failing to report.

In Virginia, where the MDV truckdriver was licensed, and in the other 40 States and the District of Columbia that do not have a mandatory physician reporting requirement, the system used by the licensing agency to identify drivers with seizure disorders consists of a question on the license application which asks if the applicant has ever had a seizure, or some similar wording. If the truckdriver had truthfully answered the question on his Virginia application concerning seizures, he might have been given a restricted license requiring periodic medical reports.

The Safety Board concludes that systems that rely on voluntary self-reporting to identify drivers with seizure disorders are ineffective because it is unreasonable to expect that persons will voluntarily report that they have a seizure disorder and act against their own self-interest. The several States that do not have a mandatory physician reporting requirement should:

- 1) Require that any physician who diagnoses or treats any person with a seizure disorder report, as a minimum, the name, date of birth, and address of any such person to the central State driver licensing agency without delay.

2/ NTSB Docket No. CHI-85-H-0R18.

3/ NTSB Docket No. HY-480-86.

4/ California, Connecticut, Delaware, Illinois, Indiana, Nevada, New Jersey, Oregon, and Pennsylvania.

- 2) Provide immunity from liability for physicians reporting information about patients with diagnosed seizure disorders.

Several States have programs to monitor persons with seizure disorders to ensure that they are receiving proper medical supervision, and several States require periodic medical examinations as a condition for retention of a driver's license. An effective system to identify persons with seizure disorders is an essential first step for any monitoring system to be effective.

As a result of its investigation of this accident, the National Transportation Safety Board recommends to all States (except California, Connecticut, Delaware, Illinois, Indiana, Nevada, New Jersey, Oregon, and Pennsylvania) and the District of Columbia:

Require physicians licensed to practice in your jurisdiction to report the name, address, and date of birth of any person diagnosed or treated for a seizure disorder to the central State driver licensing agency without delay. (Class II, Priority Action) (H-86-51)

Provide immunity from liability for physicians reporting information about patients with diagnosed seizure disorders. (Class II, Priority Action) (H-86-52)

Also, as a result of its investigation, the Safety Board made Safety Recommendations H-86-50 to all States (except California and Hawaii) and the District of Columbia, H-86-53 to the American Medical Association, H-86-54 through -56 to the National Highway Traffic Safety Administration, and H-86-57 to Thomas Built Buses, L.P.

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations" (Public Law 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendations and would appreciate a response from you regarding action taken or contemplated with respect to the recommendations in this letter. Please refer to Safety Recommendations H-86-51 and -52 in your reply.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and LAUBER, Member, concurred in these recommendations. NALL, Member, did not participate.

  
By: Jim Burnett  
Chairman