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COMMONWEALTH OF VIRGINIA

Department of Mines, Minerals and Energy

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MEMORANDUM DM-14-04

TO: All Coal Mine Operators

FROM: 
M. Randy Moore, Chief

SUBJECT: ***Definition of Serious Personal Injury***

DATE: July 29, 2014

The *Coal Mine Safety Laws of Virginia* define a “serious personal injury” as any injury that has a reasonable potential to cause death or an injury other than a sprain or strain which requires an admission to a hospital for 24 hours or more for medical treatment. A serious personal injury is also classified as an “accident” by the Coal Mine Safety Laws. Section 45.1-161.78.A of the Coal Mine Safety Laws requires operators to “report promptly” to the Division of Mines the occurrence of any accident at a mine.

When a miner is injured and is required to stay at a hospital for more than 24 hours, then it is clear that a serious personal injury has occurred. Injured miners are also frequently treated and released from the hospital before staying the required 24 hours that would classify the accident as a “Serious Personal Injury” and receive no other treatment. At other times, injured miners are treated and released from the hospital prior to staying the required 24 hours that would classify the accident as a serious personal injury and that miner will receive no other treatment. However, in some cases, the injured miner is readmitted to the hospital for further treatment at a later date. Sometimes the additional treatment can occur several weeks after the date of the injury. If the secondary admission to a hospital, that is directly related to the initial accident, results in a stay for 24 hours or more, then that accident must then be classified as a serious personal injury according to the *Coal Mine Safety Laws of Virginia*. Mine operators must monitor the treatment of an injured miner and report any secondary stays at a hospital to the Division of Mines.

Section 45.1-161.78.A also prohibits disturbing the scene of an accident prior to pending investigations. Mine operators should, if there is any chance that an injury to a miner could result in a serious personal injury, report the injury to the Division of Mines. DM personnel will then either promptly undertake an investigation or release the scene of the accident so the mine may resume normal production.

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If you have any questions regarding these regulations, please do not hesitate to contact your DM Inspector or you can contact me at 276-523-8226 or Marshall.Moore@dmme.virginia.gov. Thank you.

djm