

Understanding First Aid Claims

For required reporting purposes, it's important for employers to understand when injury treatment is considered "first aid" and when it is not. If injury treatment meets the California Labor Code definition of first aid, it is not reportable. But if that injury needs additional care, or if the injury causes lost time from work beyond the employee's work shift, it is no longer considered first aid treatment, and the injury becomes recordable.

Definition

The California Labor Code, Section 5401, defines first aid as "any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, or other minor industrial injury, which do not ordinarily require medical care. This one-time treatment, and follow-up visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel."

Type of Treatment

In general, the basis for the distinction between first aid and medical treatment is the type of treatment an employee receives—not necessarily the qualifications of the person providing the treatment. However, when a physician is involved in the first aid treatment of an injury, the California Department of Insurance, in conjunction with the Department of Industrial Relations and the Division of Workers' Compensation, wants to remind employers and physicians that they need to comply with Section 6409(a) of the Labor Code regarding first aid injury-treatment reporting.

Doctor's First Report

If a physician treats an employee for a first aid injury, he or she is required to complete a "Doctor's First Report of Occupational Injury or Illness" (DFR, form 5021) and submit it to the employee's workers' compensation carrier (State Fund) within five calendar days of the initial examination. State Fund will then send a copy of the DFR to the Division of Labor Statistics and Research of the Department of Industrial Relations, as required. State Fund will also determine whether the injury or illness meets the Labor Code definition of first aid. If it is first aid, a copy of the DFR will be sent to the employer, with related bills, upon confirmation that the employer wishes to make payments for the first aid treatment. If no physician is involved in the first aid treatment, a DFR is not required.

Fraudulent Denial

If a first aid treating physician, at the request of an employer, fails to submit a DFR to the workers' compensation insurer, the Department of Insurance and the Department of Industrial Relations may consider the arrangement improper. They may also view the arrangement as contributing to possible criminal violations related to premium fraud and the fraudulent denial of workers' compensation benefits to an injured employee.

