



FIRST AID

What is first aid? To qualify as a first aid claim, the injured worker cannot miss any work beyond the work shift on the date of the injury.

First aid treatment is defined in the California Labor Code (Section 5401) as:

"First aid" means any one-time treatment, and any followup 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 followup visit for the purpose of observation, is considered first aid even though provided by a physician or registered professional personnel. "Minor industrial injury" shall not include serious exposure to a hazardous substance as defined in subdivision (i) of Section 6302.

What is not first aid? If there is any lost time from work beyond the work shift when the employee is injured, the claim is not first aid.

If treatment is not within the scope of the first aid definition:

- Orthopedic injuries – back, neck, shoulder, knee, ankle sprains and strains.
- Lacerations requiring stitches.
- The physician prescribes prescription medication.
- Treatment extends beyond the second visit with the medical provider.
- Serious exposure to a hazardous substance.

What are the employer's responsibilities for first aid claims?

- The employer does **not** need to provide the employee with a Workers' Compensation Claim Form (DWC-1).
- The employer does **not** need to complete an Employer's Report and report or submit the claim to the claims administrator.
- The employer **is allowed** to make arrangements with the medical provider to pay first aid bills.

What are the medical provider's responsibilities for first aid claims?

- Even though the employer does not have to report the claim to the claims administrator, Labor Code Section 6409 (a) requires the physician to file a Doctor's First Report of Injury with the claims administrator – even on first aid claims.

Department of Insurance – Fraud Bureau Announcement January 7, 2003

AN IMPORTANT ANNOUNCEMENT FOR EMPLOYERS, PHYSICIANS AND INSURERS CONCERNING FIRST AID TREATMENT FOR WORKERS' COMPENSATION INJURIES

First aid treatment is included as medical care that all employers must provide for their injured employees. In conjunction with the Department of Industrial Relations, Division of Workers' Compensation, CDI wants to remind all employers, physicians, insurance carriers and self-insurers of the need to comply with Section 6409(a) of the California Labor Code.

Section 6409(a) requires a physician who treats an injured employee to file a DFR ("Doctor's First Report of Injury") with the claims administrator for every work illness or injury, even first aid cases where there is no lost time from work. Although the Labor Code contains "first aid" exceptions for the Employers' Report (Form 5020) and the Employee Claim Form (DWC-1), there is no such exception for the DFR. The insurance carrier (or the employer if the employer is self-insured) must forward these DFR's to the Department of Industrial Relations. There is no "first aid" exception to this statute.

CDI and DIR believe there are improper arrangements in place between some medical providers and employers that allow the employer to dictate how injuries are to be classified by the physicians. In some cases, and at the request of the employers, the physicians send the "Doctors First Report of injury" (DFR) only to the employers and not to the insurance carriers. This arrangement occurs even though the injuries clearly are beyond first aid. This agreement is often marketed to employers as a way to keep premiums from rising or to lower them. Such marketing practices are both improper and may also contribute to possible criminal violations related to premium fraud and the fraudulent denial of workers' compensation benefits to injured workers.