

FIRST AID VS. MEDICAL TREATMENT

Understanding and knowing the difference between first aid claims and medical treatment claims is important but often unclear.

FIRST AID INJURIES:

The California Labor Code, Section 5401(a) 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."

**First aid is medical care that all employers must provide to their employees. The difference between first aid and medical treatment is based on the type of treatment an employee receives. It does not depend on whether the treatment is provided by a physician or another licensed health-care professional.*

EMPLOYER/EMPLOYEE REPORTING NOT REQUIRED FOR FIRST AID:

Another difference between first aid and medical treatment is the employer's and employee's reporting responsibilities. Specifically:

- If treatment is considered first aid, the employer is not required to submit an *Employer's Report of Occupational Injury or Illness* to State Fund nor provide a *Workers' Compensation Claim Form* to the employee.
- If additional care is needed beyond first aid, both the injury report and claim form must be submitted. The two forms must also be submitted for injuries that result in lost time beyond the date of the incident.

DOCTOR'S REPORT REQUIRED IF PHYSICIAN PROVIDES FIRST AID

Physicians who provide first aid treatment must comply with Section 6409(a) of the California Labor Code regarding first aid injury treatment reporting. The physician is required to submit a *Doctor's First Report of Injury or Illness* (DFR form 5021) to Company within five calendar days of the initial examination. A DFR is not required if a physician is not involved in the first aid treatment.

The Company is required to send a copy of the DFR to the Division of Labor Statistics and Research of the Department of Industrial Relations. At that point, State Fund will determine whether the injury/illness meets the Labor Code definition of first aid. If it does, a copy of the completed 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, at the request of an employer, a first aid treating physician fails to submit a DFR to the workers' compensation carrier, the Department of Insurance and the Department of Industrial Relations may consider the arrangement improper. This arrangement can be viewed as contributing to possible criminal violations related to premium fraud and the fraudulent denial of workers' compensation benefits to an injured worker.

TREATMENT IS NOT CONSIDERED FIRST AID IN EITHER OF THE FOLLOWING CIRCUMSTANCES:

- Medical care goes beyond a one-time treatment and follow-up visit.
- The injury causes an employee to lose time from work beyond his or her workshift.

**CONTACT US IF YOU HAVE ANY ADDITIONAL QUESTIONS REGARDING
FIRST AID & MEDICAL TREATMENT**