



## Workers Compensation First Aid Cases in California May 2011

Questions often arise as to whether or not a business can pay for its own first aid injuries, and if it can, whether or not the incidents should be reported to their workers compensation carriers. The purpose of this document is to clarify what constitutes first aid and how such injuries should be handled.

Section 5401(a) of the **California Labor Code** defines first aid as follows:

*'As used in this subdivision, "first aid" means 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.'*

The California Labor Code, Section 6409.1 of the Employers Report of Injury, requires every employer to file a complete report of every occupational injury or occupational illness that results in either *'lost time beyond the date of the injury or illness, or which requires medical treatment beyond first aid.'* By exception, the employer is not required to file claims for first aid only injuries. Regardless, we recommend that all injuries, including first aid cases, should be reported to the workers compensation insurance company as soon as possible. The insurance company can assist the employer with identifying injuries that will result in permanent disability or escalating medical costs. Delayed reporting of such injuries will ultimately create higher costs for the employer.

When first aid medical care is provided for an injured worker, the employer should send a copy of the bill to the workers compensation carrier and make it clear that this is *'RECORD ONLY/FIRST AID.'* In general, the insurance company will not establish any reserves on first aid injuries unless the employer requests the insurance company to handle the claim on its behalf. The employer should notify the insurance company if the injured worker requires treatment beyond first aid. If the insurance company disagrees with an employer's assessment that an injury is a first aid case, claims personnel should call the employer to discuss the issue prior to creating a claim and establishing reserves.

It is important to note that specific states may treat first aid injuries differently, and the comments here pertain only to California.