

- Policy & Procedure
- Take Note
- Milestones

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DWCNewsline

Division of Workers' Compensation
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Division of Workers' Compensation answers first aid inquiries

The Division of Workers' Compensation (DWC) has recently received inquiries regarding when an injury can be considered first aid and how first aid should be properly reported.

First aid is any one-time treatment, and a follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, etc., which do not ordinarily require medical care. Such 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 (Title 8, California Code of Regulations, section 9780(d)).

Labor Code section 6409(a) requires a physician who treats an injured employee to file a "Doctor's First Report of Injury" (DFR, form 5021) 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 DFRs to:

Department of Industrial Relations (DIR)
Division of Labor Statistics and Research (DLSR)
P.O. Box 420603
San Francisco, CA 94142-0603

There is no first aid exception to this statute.

Reporting arrangements between employers and medical providers that allow employers to dictate how injuries are classified are improper. Some examples of improper reporting arrangements include agreements to classify injuries as first aid that clearly go beyond that definition, or in some instances, an employer may request, and a physician may agree, to send the DFR only to the employer and not to the insurance carriers as required by statute.

These agreements are often marketed to employers as a way to keep premiums from rising or to lower them. Such marketing practices are improper and may contribute to possible criminal violations related to premium fraud, and the fraudulent denial of workers' compensation benefits to injured workers.

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