

CLC UPDATE

California Legislative Conference of the Plumbing, Heating and Piping Industry

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WCIRB First Aid Reporting

The Workers' Compensation Insurance Rating Bureau (WCIRB) recently clarified the reporting requirements for first aid claims. Effective January 1, 2017, insurers will be required to report all first aid claims, regardless of whether the employer or insurance carrier paid for the first aid medical services.

We have received inquiries regarding the impact of the clarification and the reporting requirements for contractors.

The clarified reporting requirements fall on the insurance carriers. Labor Code Section 5401(a) states that "Within one working day of receiving notice or knowledge of injury under Section 5400 or 5402, which injury results in lost time beyond the employee's work shift at the time of injury or which results in medical treatment BEYOND FIRST AID, the employer shall provide...a claim form..." The section goes on to describe first aid as any one-time treatment including minor scratches, cuts, burns, splinters, or other minor industrial injury, which do not ordinarily require medical care.

Employers are not required by virtue of the Labor Code to report first aid. However, if an employer sends an employee to a medical facility and the doctor provides care, regardless of whether or not it is classified as first aid, the doctor must report it on a 5021 report (Doctor's first report of occupational injury or illness) and the carrier in turn must report that information to the Workers' Compensation Insurance Rating Bureau (WCIRB). Nothing changes in practice for contractors in regards to reporting under this new order. The new reporting requirement simply codifies the WCIRB's long standing policy that carriers must report ALL 5021 information.

In regards to the impact this order will have on insurance experience modification rates, it is important to remember that the clarification language does not pertain to on-site first aid. Physicians have always been required to fill out 5021 forms for all occupational cases regardless of severity. The new emphasis is to remind carriers that they must report all 5021 cases, including first aid, to the WCIRB even if the employer paid for the treatment.

Simply, the reporting requirements have not change and remain as follows:

Employer – Not required by Labor Code to report first aid care.

Physician – Required by Labor Code to provide 5021 form to carrier on all cases, including first aid.

Carrier – Required reporting of all 5021 cases to WCIRB.