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# BUSD First Aid Program

**Board Approved:  
April 1, 2009**

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# First Aid Claims

## Prior to 1-1-94 - Labor Code 5401

The one time treatment of minor scratches, cuts, burns, splinters, or other minor industrial injuries by a non-physician or other licensed health care provider in those instances where the treatment performed is conducted in consultation with the physician.

## After 1-1-94 - Labor Code 5401

- Deletes the non-physician and subsequent wording.
- One-time treatment and one follow-up visit can be rendered by a physician.

"First aid" is any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, 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. (Defined under regulation 14311(c)).

"Minor Industrial Injury" shall not include serious exposure to a hazardous substance (Defined under Labor Code 6302 (I).)

"Serious Exposure" means any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency or exposure over time and is in a degree or amount sufficient to create substantial probability that death or serious physical harm in the future could result from the exposure.

# Procedures For Processing First Aid Claims

## I. Implementation

- A. The employer should meet with the medical provider(s) to advise that a first aid program is being implemented and supply the provider with the definition of a first aid claim. The provider, upon examining the employee, will determine which claims are first aid under the definition. A method of billing and reporting should be developed with the provider. The employer may be able to negotiate a flat rate with the provider for first aid claims.
- B. The employer should notify all supervisors of the first aid program, ensuring that a method of reporting workers' compensation claims to the Employer's Workers' Compensation office is in place (such as the Supervisor's Report - page 6).

## II. Reporting

- A. A Supervisor's Report is received in the Employer's Workers' Compensation Office on all work related injuries and is posted in the CAL/OSHA Log No. 300. No claim form should be provided to the employee
- B. If the employee went to the doctor and there is no lost time from work or work restrictions beyond the date of injury, a check is placed in appropriate column of the CAL/OSHA log 300, and the report is held in a pending file.
- C. The medical provider faxes status to the employer to address the following: if there was treatment provided or if the treatment rendered was only First Aid; the diagnosis; type of treatment; anticipated future treatment; time off work and prognosis for recovery. These questions will determine whether the claim is a reportable injury or First Aid claim. **If there is any doubt, contact or report the claim to Keenan & Associates. It is better to report one that is not necessary than to omit one that should have been reported.**

If the Employer utilizes the PRIME Treatment Referral Form (see page 7) it is recommended they have the medical provide indicate "First Aid" with the treatment plan. The PRIME Treatment Referral Form would be sent to the employer only. No copy would be sent to Keenan & Associates.

If there is an exposure to a hazardous substance causing injury or illness, report that claim even if it might appear to be First Aid.

1. Medical Treatment Beyond First Aid: Any treatment beyond First Aid is considered a reportable claim. A claim form must be provided to the employee with one working day of knowledge that the injury is beyond first aid. The CAL/OSHA Log No. 300 should be posted to show it as a recordable case. A 5020 (Employer's Report) must be completed

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immediately and forwarded to Keenan & Associates who will administer the claim.

2. First Aid: The Supervisor's Report is noted as FIRST AID and the proper coding is placed in the appropriate column of the Log 300 to show that it is not a recordable injury (**FA** for First Aid). If the claim remains First Aid only, a line should be drawn through the entire entry just prior to posting the CAL/OSHA Log 300.
3. Prescription Medications: These are often dispensed by physicians or clinics. If so, the claim is still considered First Aid. **However**, if a prescription is filled at a pharmacy, the claim is no longer considered first aid and becomes reportable. A 5020 (Employer's Report) must be completed immediately and forwarded to Keenan & Associates who will administer the claim. A claim form must be provided to the employee within one working day of knowledge that the injury is beyond first aid.
4. Subsequent Treatment to First Aid: If at a later date, treatment or off-work time is necessary, a 5020 (Employer's Report) must be completed and forwarded to Keenan & Associates with all status reports from the doctor, if applicable. A claim form must be provided to the employee within one working day of knowledge that the injury is beyond first aid. Note: "Originally first aid claim on the 5020." Keenan will request a Doctor's First Report from the doctor's office, if not previously submitted. The doctor's bill can also be submitted from the employer to Keenan & Associates for reimbursement. The CAL/OSHA Log 300 is then corrected to show a recordable case.
5. Off Work: If the injured worker was placed off work for the balance of the work day only and did not receive medical treatment, this is not a recordable case and a check is placed in the appropriate column of the CAL/OSHA Log 300 with the coding **FA**. If off work time extends beyond the date of injury, the check mark should be transferred to appropriate columns.
6. Restricted Work:
  - a. If at the first medical appointment the employee was placed on restricted duty for the remainder of the shift, this is a recordable case unless the work duties do not have to be modified. The appropriate column of the CAL/OSHA Log 300 is posted to show recordable. A 5020 (Employer's Report) must be completed immediately and forwarded to Keenan & Associates who will administer the claim. A claim form must be provided within one working day of knowledge that the injury is beyond first aid.
  - b. If the employee is given a work restriction at any time, the supervisor should be advised immediately. The supervisor will determine if any modifications to the normal job duties are necessary. If modifications are not necessary, the job is not considered restricted duty. For example, if a teacher is returned to work with a restriction of "no heavy lifting" (no work modification is necessary) as heavy lifting is not a normal work duty for teachers. The supervisor should document the file, via a memo, that indicates the employee is able to perform all the job duties within the work restrictions. **DO NOT** post restrictive work. (It is suggested that you have the employee sign the form confirming knowledge of no restrictions.)

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### III. Medical Reports

A. For first aid claims, the primary treating physicians (industrial clinics, etc.) should be asked to send copies of the initial Doctor's Report, status reports and billing to the Employer's Workers' Compensation office. This ensures that the First Aid claim is not processed as a reportable injury by Keenan & Associates.

1. First Aid Treatment is Confirmed.

- a. Attach all copies of the Doctor's Reports to the Supervisor's Report (see section II). Pay the bill accordingly. All bills must be date-stamped showing the receipt date.
- b. Attach a copy of the check to the bill and file with the claim.

2. Medical Treatment was Provided Beyond First Aid. (Claim must be reported to Keenan & Associates)

- a. Attach the original Doctor's First Report to the bill, if received, and forward to Keenan & Associates.
- b. Send original and all future bills to Keenan & Associates.

\*Note: The employer may ask that the medical provider complete the Doctor's first Report on all first aid claims as well as reportable claims to standardize the reporting. However, the provider may be willing to negotiate a lower rate if this report does not have to be completed.

3. First Aid Claim that is Now Reportable:

- a. If a First Aid injury requires additional medical care or the employee begins to lose time from work, the injury now becomes recordable on the CAL/OSHA log 300.
- b. Report the claim to Keenan & Associates and provide the employee a claim form.
- c. Send the original Doctor's Reports to Keenan & Associates.
- d. Forward all bills to Keenan & Associates for reimbursement or payment.

### IV. Payment

Since the First Aid claim is not sent to Keenan & Associates for payment, it is necessary to establish a method to pay the First Aid medical bills.

Most Employers have a checking account that can be used for this purpose. Payments must be made within sixty (60) days of bill receipt in order to avoid penalties.

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### **V. Retention of Claim Files**

All claim files must be kept and maintained for a minimum period of five (5) years from the date of injury or from the date on which the last provision of compensation benefits occurred. For First Aid claims, compensation benefits refers to the one-time treatment and follow-up treatment. Subsequent to the five year period, the claims may be destroyed. However, it is recommended that a log be kept of all destroyed claims referencing pertinent information; i.e., name, date of injury and part of body.

### **VI. Workers' Compensation Knowledge**

Individuals responsible for processing First Aid claims will need to be aware of certain Workers' Compensation laws and potential "red flags". A "red flag" may be any issue that causes the injury or extent of the injury to be questionable by the employer. The individual processing first aid claims should be able to recognize when a claim should be delayed or denied; when subrogation is a possibility; know the statutes of limitations; discern the difference between preventative medicine and treatment; understand the medical issues of an aggravation of pre-existing injury versus a new injury; and know whether or not the Employer has adopted a resolution to cover volunteers.

If there are any questions relating to "red flags" (i.e. late reporting by the employee), questionable claims, or other parties that may have caused or contributed to the injury, etc., contact Keenan & Associates for assistance and advice. These types of situations should most likely be reported to avoid potential mishandling and penalties.

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**supervisor's  
report of  
employee  
injury**

**To Be Completed by Employer:**

Employee Name \_\_\_\_\_

Occupation \_\_\_\_\_ Age \_\_\_\_\_

Date of Injury \_\_\_\_\_ Time of Injury \_\_\_\_\_

Date Reported \_\_\_\_\_ Time Reported \_\_\_\_\_

Accident Location \_\_\_\_\_

Type of Injury \_\_\_\_\_

Medical Facility \_\_\_\_\_

Did Injured Leave Work? \_\_\_\_\_ Date \_\_\_\_\_ Time Reported \_\_\_\_\_ *a.m.*  
*p.m.*

Did Injured Return to Work? \_\_\_\_\_ Date \_\_\_\_\_ Time Reported \_\_\_\_\_ *a.m.*  
*p.m.*

1. Describe how the accident occurred \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Names of witnesses \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. What steps have been taken to prevent similar accidents? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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**treatment  
referral  
form**

**To Be Completed by Employer:**

Medical Facility/Doctor \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

This authorization is issued to you to provide initial medical treatment to the employee named below who has reported an occupational injury.

Employee Name \_\_\_\_\_

Address \_\_\_\_\_

Social Security Number \_\_\_\_\_

Occupation \_\_\_\_\_

Date of Injury \_\_\_\_\_ Time of Injury \_\_\_\_\_ *a.m.*  
*p.m.*

Type of Injury \_\_\_\_\_

Workers' Compensation Administrator **KEENAN & ASSOCIATES**

Employer Name \_\_\_\_\_

Address \_\_\_\_\_

Employer Contact \_\_\_\_\_ Telephone \_\_\_\_\_  
(Return-to-Work Coordinator or Supervisor)

**Instructions to Medical Provider:**

1. Call the employer contact named above immediately to discuss availability of modified duty if the employee has any injury-related physical restrictions that may affect the employee's ability to return to full duty.
2. Send the completed Doctor's First Report (5021), all medical bills and corresponding reports to Keenan & Associates at the address listed above.
3. Contact Keenan & Associates immediately if any of the following apply:
  - Questionable Injury
  - Diagnostic Imaging Request
  - Consultation Request
  - Surgery/Hospitalization Request

# Advantages Of First Aid Program

- Reduces trust account funding level in self-funded program. Reduces experience modification factor and, therefore, premium in fully-funded program
- Ability to negotiate a flat fee directly with medical providers
- Prevention of new injuries
- Ability to implement Loss Control Program without significant cost

# Labor Codes & Rules & Regulations

## LC3760

“Every employer who is insured against any liability shall file with the insurer a complete report of every injury to each employee as specific in LC6409.1”

## LC6409.1

“Every employer shall file a complete report of every occupations injury or occupational illness which results in lost time beyond the date of the injury or illness, or which requires medical treatment beyond first aid.”

## LC 5401(a)

“Within one working day of receiving notice of knowledge of injury, which injury results in lost time beyond the date of injury or which results in medical treatment beyond first aid, the employer shall provide, personally or by first-class mail, **a claim form** and a notice of potential eligibility for benefits to the injured employee.”

## LC 5401(a)

“**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. Minor industrial injury shall not include serious exposure to a hazardous substance as defined in subdivision (i) of Section 6302.”  
First aid treatment can be provided by a physician or registered professional working under standing orders of a physician.

## LC 6302(i)

“**Serious exposure** means any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time and is in a degree or amount sufficient to create a substantial probability that death or serious physical harm in the future could result from the exposure.”

## RR 14001(a)

**Reportable Claims** include:

“Every employer shall file a complete report of every occupational injury or illness to each employee which results in lost time beyond the date of such injury or illness or which requires medical treatment beyond first aid, as defined in LC5401(a). Lost time means absence from work for a full day or shift beyond the date of injury or illness.”

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### RR 14311

**Recordable Occupational Injuries or Illnesses** include:

- 1) Fatalities
- 2) Lost workday cases
- 3) Medical treatment other than first aid, loss of consciousness, result in transfer of job, termination of employment or restriction or work.

For recordability purposes, RR14311 defines **first aid** as “any one-time treatment, and any follow-up visit for the purpose of observation of minor scratches, cuts, burns, splinters, and so forth, 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.”