



Workers' Compensation — First Aid

As you know, workers' compensation costs and your Experience Modification Rate (EMR) are two key components of any competitive bid. Multiple small claims (below \$7,001) can, and often do, adversely affect your EMR more than one very large claim.

Accordingly, when thinking about how to reduce your premiums and EMR, one of the primary goals should be to legally keep First Aid claims off of your claims history. Here is a road map to help you succeed in reducing your premiums and EMR through the use of a first aid strategy.

Cal/OSHA "Recordable" Guidelines:

The first step is to know the recordable guidelines for Cal/OSHA (Form 301). Your company must record work related injuries and illnesses that result in:

- Death,
- Amputations, loss of an eye, hospitalization,
- Loss of consciousness,
- Days away from work,
- Restricted work activity or job transfer,
- Medical treatment beyond first aid.

Keep in mind that all serious injuries must be reported to Cal/OSHA within eight (8) hours of your knowledge of the injury.

Next Step — What is First Aid?

California Labor Code Sections 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. "Minor industrial injury" shall not include serious exposure to a hazardous substance as defined in subdivision (i) of Section 6302; "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.

First aid treatments include:

- Administering tetanus immunizations
- Cleaning, flushing or soaking wounds on the skin surface
- Using wound coverings, such as bandages, BandAids, gauze pads or Steri-Strips (thin adhesive strips which can be used to close small wounds)
- Use of hot or cold therapy
- Using a totally non-rigid means of support, such as elastic bandages, wraps and non-rigid back belts
- Using temporary immobilization devices while transferring an accident victim (splints, slings, neck collars or back boards)
- Drilling a fingernail or toenail to relieve pressure; draining fluids from blisters
- Use of eye patches
- Using simple irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye
- Using finger guards
- Using massages
- Drinking fluids to relieve heat stress
- Application of antiseptics on first visit to a doctor or nurse
- Burns of first degree; skin unbroken and no blisters
- Ointments applied to abrasions to prevent drying or cracking
- Hospitalization for observation (no treatment other than first aid)
- X-Ray that is negative
- Using non-prescription medications at non-prescription strength, such as:
 - ◇ Motrin—no greater than 400mg
 - ◇ Tylenol—no greater than 500mg
 - ◇ Advil—no greater than 200mg
 - ◇ Aleve—no greater than 220mg

First Aid Plan:

Treat first aid injuries with a designated medical clinic or a mobile first aid service as addressed below.

Meet the owner of your designated occupational medical clinic(s) and inform them that any injury that is treated as first aid should be billed directly to your company. Billings are sent to you, not your workers' compensation insurer, because your company is paying for the necessary first aid treatment.

Upon notification of a potential first aid injury, remind your occupational medical clinic or mobile first aid provider to direct bill your company for treatment being performed on the injured employee. In this way, you reinforce your commitment to pay them directly. Emailing them your authorization to treat the injured worker with first aid, and agreeing to pay for the treatment should suffice.

Doctor's Requirement to Report Injuries:

Remember there is a basic reporting requirement in California known as a **Doctor's First Report of Injury (DFR)**. Section 6409(a) of the California Labor Code requires a physician who treats an injured employee to file a DFR, form 5021. It must be used for every work injury or illness, even First Aid cases where there is no lost time from work. In the California Labor Code a physician is defined as physicians and surgeons holding an M.D. or D.O. degree, psychologists, acupuncturists, optometrists, dentists, podiatrists, and chiropractic practitioners licensed by California state law and within the scope of their practice as defined by state law.

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 DFR will be sent to:

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

MOBILE FIRST AID PROVIDERS:

Mobile first aid service providers are gaining popularity with contractors. These companies provide a variety of services, from on-call to full-time EMTs, ongoing emergency training, as well as drug and alcohol screening. The costs vary. You can plan on something between \$500-750 per call which is relatively similar to what you would pay for using an occupational medical clinic/urgent care center. You can figure that the extra costs for EMT mobility are offset from the personal attention given to your employees on site.

As you may already know, the Labor Code does not include Emergency Medical Technicians in the definition of a physician, so a DFR is not required when using a mobile first aid provider.

There are two popular providers of this service.

OnSite Medical Service, Inc. (Davis, California) can provide services to Sacramento, Yolo, Shasta, San Francisco, and San Joaquin counties. In addition to on-call EMT services, they provide ongoing First Aid/CPR/ACLS training. www.onsitemedicalservice.com

Amphibious Medics, based in Southern California, has a network of over 15,000 EMTs nationwide. They can provide on-call services, as well as full-time, onsite EMTs for large projects. They also can provide onsite drug and alcohol testing. www.amphibiousmedics.com

Other Considerations:

You must have adequate first aid supplies available at your workplace.

HOW TO OBTAIN FIRST AID SUPPLIES: If you are not already contracted with a vendor, the following are good options:

- American Red Cross – www.redcrossstore.org/category/id/2. They provide a number of options for first aid kits, and also have a variety of emergency kits available.
- Adams Safety Training – www.adamssafety.com/store/. Adams Safety provides first aid kits, Automated External Defibrillators (AED) and oxygen packages. Adams serves the greater San Francisco Bay Area.
- Zee Medical – www.zeemedical.com. Zee provides first aid, safety and emergency solutions.

Go to www.dir.ca.gov/title8/1512.html. This code outlines what is specifically required in your first aid kits.

911: Remember that if you or your employees are the first to respond to an injury and you don't know what to do to help an injured worker, the 911 operator can walk you through the steps to help the injured party.

800-222-1222: The American Association of Poison Control Center offers free, confidential medical advice 24 hours a day, seven days a week through the Poison Help line at 800-222-1222.

Again, your goal is to legally keep First Aid claims off of your claims history to contain your EMR. If you need any more ideas or detailed help to set a First Aid policy, please contact a PentaRisk Insurance Services representative and we can help you with this process.

Contact **Ian Wright at 408.418.2732, iwright@pentarisk.com**, or your PentaRisk broker or account executive for more information on *Workers' Compensation-First Aid*. Visit our website at **pentarisk.com**.