



TOKIO MARINE  
AMERICA

## **CA WCIRB COMMUNICATION REQUIRING REPORTING OF ALL INSURED FIRST AID CLAIMS EFFECTIVE JANUARY 1, 2017**

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The California Workers' Compensation Insurance Rating Bureau has issued the attached Bulletin dated November 10, 2016, which clarifies the reporting requirements for Small Medical Only or First Aid Claims. This was approved by the California Insurance Commissioner on October 14, 2016.

### **Small Medical Only or First Aid Claims:**

Small medical only or First Aid Claims are defined in California Labor Code Section 5401(a) as follows:

“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.

### **Reporting Requirement Clarifications and Reasons:**

The above definition of first aid has now been added to the *California Workers' Compensation Uniform Statistical Reporting Plan – 1995* which becomes effective January 1, 2017. This clarifies the California Department of Insurance (CDI) and WCIRB's position that first aid or small medical only claims must be reported if medical care is provided and costs are incurred, regardless of whether the payments are made by an insurer or the insured. These claims shall be reported as of January 1, 2017 reported medical only claim. When reporting the claim to Tokio Marine America, please be sure to indicate that it is a Small Medical Only or First Aid claim.

The WCIRB has issued prior bulletins in this regard and the bulletin emphasizes that this is a long-standing position of the CDI. The goal is to ensure consistent and complete reporting without causing a disadvantage for those employers that do report all required injuries as compared to those that do not.

### **Recommendations:**

In order to comply with the WCIRB's revised reporting guidelines insured employers must report all claims to Tokio Marine America, including any medical costs previously paid as first aid within 5 days of knowledge<sup>1</sup>. In addition, physicians are required to file a Doctor's First 1 Title 8, CCR §14001 Report of Occupational Injury or Illness with Tokio Marine America within 5 days of the first examination. We recommend reminding your designated industrial clinics of this requirement to assure compliance. Tokio Marine America will utilize these reports to report the information necessary to our vendor who files the WCIRB data required and the medical reporting with the California Department of Industrial Relations.

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<sup>1</sup> Title 8, CCR §14001

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## Potential Penalties:

There are potential civil penalties between \$50 and \$200 for a pattern or practice or willful violations for failure to file Employer's First Reports or Doctor's First Report of Occupational Injury reports as well as penalties up to \$5,000 for delays in reporting cases involving serious injury or illness or death<sup>2</sup>.

## What Effect Will This Have:

There are expected changes to frequency caused by the reporting of first aid claims which may impact experience modifications used for insurance ratings. There may also be claims administration costs related to reporting claims that may not have previously been submitted. There should also be some benefit to paying medical costs pursuant to fee schedule reductions and any applicable provider network savings.

If you have any questions regarding this reporting requirement, please contact either your handling Claims Adjuster; Ron Withers (626) 568-7774 or Licha Paramo (626) 568-7783 in the WC Claims Department; or the Client Service Manager Frank Mostert at 626-568-7742.

Thank you for your attention to this matter.

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<sup>2</sup> CA Labor Code §6409.1, §6413.5

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