

WCIRB Bulletin

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525 Market Street, Suite 800 • San Francisco, CA 94105-2767 • 415.777.0777 • Fax 415.778.7007 • www.wcirbonline.org • wcirb@wcirbonline.org

Reporting of First Aid Claims

This Bulletin is being issued to reiterate that insurers are required to report all claims, including first aid claims, to the WCIRB.

Between 1979 and 1994, the WCIRB issued four Bulletins, each stating that (1) employers must report all claims to their insurers, even those considered first aid or small claims and (2) insurers must report all losses occurring under a policy to the WCIRB notwithstanding the size of the claim).¹ Although these Bulletins were issued before the advent of open rating in 1995, there have been no significant changes in the laws and regulations governing the reporting of workers' compensation claims that would alter these reporting requirements. California Insurance Code Sections 11651 and 11755, Labor Code Section 3700, the standard insurance policy, and the *California Uniform Statistical Reporting Plan—1995* all continue to require that every loss occurring under a policy be reported.

In addition, Labor Code Section 6409(a) provides that a physician who attends an injured employee "shall file a complete report of every occupational injury or occupational illness to the employee with the employer, or if insured, with the employer's insurer...." The employer or insurer must then file the report with the Department of Industrial Relations (DIR), through its Division of Labor Statistics and Research within five days of the initial examination. There is no "first aid" exception to this requirement. The California Department of Insurance (CDI) posts on its website the *Consumers: Workers' Compensation Insurance Brochure (Revised August 2004)*, stating that, "[I]n conjunction with the Department of Industrial Relations, Division of Workers Compensation, the California Department of Insurance wants to remind all employers, physicians, insurance carriers and self-insurers of the need to comply with Section 6409(a) of the California Labor Code." An insurer that fails to report first aid claims may be in violation of California Insurance Code Section 11755.

¹ The WCIRB published Bulletins on this issue dated October 31, 1994, October 11, 1988, March 14, 1984 and June 22, 1979.