



Tuolumne JPA First Aid Claims Policy

The Tuolumne JPA recognizes that the treatment of certain work related injuries as first aid claims may reduce experience modification factors and therefore premiums for the Tuolumne JPA and individual JPA members. In addition, the treatment of certain work related injuries as first aid claims can assist JPA members in the implementation of loss control and prevention of new injuries.

It is the policy of the Tuolumne JPA that work related injuries to employees of JPA Members shall be treated as first aid claims when the injury and treatment qualify as required by Labor Code.

The cost of medical services for work related injuries meeting the Labor Code definition of first aid treatment, shall be the sole responsibility of the employer.

Labor Code 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 industrial injury, 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)).

Labor Code 6409.1

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.

Note: The following treatments/restrictions do not qualify as first aid claims:

- 1) Treatments that require prescription drug/s filled at a pharmacy
- 2) Injuries that result in work restrictions that cause modifications to the employee's assigned duties for the remainder of the shift on the date of injury.

Labor Code 6302 (I)

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 a substantial probability that death or serious physical harm in the future could result from the exposure.”

First Aid Definition Pursuant to OSHA

(A) What is the definition of medical treatment?

"Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of Article 2, medical treatment does not include:

1. Visits to a physician or other licensed health care professional solely for observation or counseling;
2. The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or
3. "First aid" as defined in subsection (b)(5)(B) of this section.

(B) What is "first aid"?

For the purposes of Article 2, "first aid" means the following:

1. Using a nonprescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
2. Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
3. Cleaning, flushing or soaking wounds on the surface of the skin;
4. Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are considered medical treatment);
5. Using hot or cold therapy;
6. Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);
7. Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, backboards, etc.);
8. Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
9. Using eye patches;
10. Removing foreign bodies from the eye using only irrigation or a cotton swab;
11. Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
12. Using finger guards;
13. Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
14. Drinking fluids for relief of heat stress.

(C) Are any other procedures included in first aid?

No. This is a complete list of all treatments considered first aid for purposes of Article 2.

(D) Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment?

No. The treatments listed in Section 14300.7(b)(5)(B) of this Article are considered to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of Article 2. Similarly, treatment beyond first aid is considered to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.