

Title 8, California Code of Regulations
CHAPTER 7 DIVISION OF LABOR STATISTICS AND RESEARCH
Chapter 7 Department of Industrial Relations
Subchapter 1 Occupational Injury or Illness Reports and Records

§14003 Physician.

(a) Every physician, as defined in Labor Code Section 3209.3, who attends an injured employee shall file, within five days after initial examination, a complete report of every occupational injury or occupational illness to such employee, with the employer's insurer, or with the employer, if self-insured. The injured or ill employee, if able to do so, shall complete a portion of such report describing how the injury or illness occurred. Unless the report is transmitted on computer input media, the physician shall file the original signed report with the insurer or self-insured employer.

(b) If treatment is for pesticide poisoning or for a condition suspected to be pesticide poisoning, the physician shall also file a complete report directly with the Division within five days after initial treatment. In no case shall treatment administered for pesticide poisoning or suspected pesticide poisoning be deemed to be first aid treatment.

(c) The reports required by this Section shall be made on Form 5021, Rev. 5, Doctor's First Report of Occupational Injury or Illness (sample forms may be secured from the Division), upon a form reproduced in accordance with Section 14007, or by use of computer input media prescribed by the Division and compatible with the Division's computer equipment. However, reports may be submitted on Revision 4 of Form 5021 for dates of service prior to October 1, 2015. Although ICD-10 coding is required on or after October 1, 2015, for a twelve-month period ending October 1, 2016, no medical treatment or medical-legal bill shall be denied based solely on an error in the level of specificity of the ICD-10 diagnosis code(s) used. Providers may use either version of the form until December 31, 2015. As of January 1, 2016, providers must use the 2015 version of the form.

(d) Physicians who use computerized data collection and reporting systems shall keep the injured worker's statement with the patient's medical records.

Note: Authority cited: Section 6410, Labor Code. Reference: Sections 6409(a), 6409.3, and 6410, Labor Code.

§14006.1 DIR Form 5021 (Rev. 5) 2015, Doctor's First Report of Occupational Injury or Illness.

[DIR Form 5021 (Rev. 5) 2015, Doctor's First Report of Occupational Injury or Illness.]

Authority: Sections 6409(a), 6410, 6410.5 and 6413.5, Labor Code. Reference: Sections 5401.7 and 6410, Labor Code.

§14007 Reproduction of the Doctor's Report.

(a) Insurers, self-insured employers, doctors, clinics, hospitals and other persons may reproduce Form 5021, Rev. 4 or 5, as appropriate (for dates of service prior to October 1, 2015, use Rev. 4; for dates of service on or after October 1, 2015, use Rev. 5), Doctor's First Report of Occupational Injury or Illness, if all of the following conditions are met:

(1) The title of the reproduced form shall read: Doctor's First Report of Occupational Injury or Illness State of California. The size of type may be reduced to meet space requirements, but the words "Doctor's First Report of Occupational Injury or Illness" shall be in bold face type.

(2) Filing instructions in the heading shall include the requirement for the physician to file a copy of the report directly with the Division of Labor Statistics and Research in the case of pesticide poisoning or suspected pesticide poisoning, and the statement "Failure to file a timely doctor's report may result in assessment of a civil penalty."

(3) The form shall prominently contain the following statement: "Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony."

(4) Reproduced forms shall be printed on 8 1/2, by 11, paper stock.

(5) The subheadings, arrangement, sequence and text of Questions 1 through 25, the coding column and the signature section shall not be altered, except that Question 1 may be eliminated on forms printed with the insurer's or self-insured employer's name at the top.

(b) Insurers, self-insured employers, doctors, clinics, hospitals and other persons reproducing Form 5021, may rearrange the heading to permit imprinting:

(1) The name and address of such insurer, self-insured employer, doctor, clinic, hospital or other persons;

(2) Coding lines or boxes for special use by the person reproducing the form;

(3) Instructions for forwarding the form and the number of copies required.

(c) Insurers, self-insured employers and other persons reproducing Form 5021, may use the back of the form for additional information, questions, or skeleton diagrams.

(d) Except as otherwise specified in subdivision 14007(b), any other modification to the content or layout of Form 5021, may be made only with prior approval of a written request to the Department of Industrial Relations, P.O. Box 420603, San Francisco, CA 94142-0603.

Note: Authority cited: Sections 6410 and 6410.5, Labor Code. Reference: Sections 5401.7 and 6410, Labor Code.