

GENERAL ACCIDENT REPORTING

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Many questions have been asked by the fairs regarding what accidents should be reported. We agree that not every bump and bruise should be submitted to CFSA.

For workers' compensation, the rule is clear and set down by law. Any injury of an employee resulting in time lost beyond the date of injury or medical care beyond self administered first aid must be reported.

The situation for other types of accidents is not as clear. Any accident involving obvious minor injuries where treatment is likely to be limited to first aid may not need to be reported. However, some judgment needs to be used. Some injuries involving twisting or flexing of the body may result in serious injuries which do not appear for several days. In deciding whether to report or not, you should consider:

- The mechanics of the accident. That is, what happened to the person.
- The age and physical condition of the injured party.
- Their attitude, any comment or indication of a pre-existing injury or illness.

The best rule to follow is, if in doubt, go ahead and report.

Finally, CFSA much prefers to receive a prompt, incomplete report rather than a late, complete report. This does not lessen your responsibility to gather and provide the missing information. Simply do so with a copy of the original report, marked "duplicate" or "previously reported."

IMPACT OF HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY (HIPAA) ON GENERAL LIABILITY ACCIDENT REPORTING

The Health Insurance Portability and Accountability Act (HIPAA) was passed by Congress in 1996 and is considered the most significant legislation affecting the health care industry since the creation of Medicare and Medicaid in 1965.

While HIPAA has been beneficial in many areas, it has also created some challenges. Specifically, the provision in HIPAA guaranteeing the privacy and security of personal medical information has complicated the process of member fairs reporting accidents to CFSA.

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Some fairs utilize the services of Red Cross chapters or private EMS contractors to provide first aid services to fair patrons. Before HIPAA, the fair collected the first aid reports and forwarded them to CFSA for investigation as necessary. However, HIPAA has created the obligation for medical providers to shield private medical information, and some contractors have refused to provide these first aid reports to fairs. This has led to delayed investigation and follow up by CFSA, especially where a fair's only mechanism for learning of accidents are the reports from a "first aid station." Fair patrons may have no way of knowing that such a station does not provide accident information to the fair, and that the accident has not been reported to proper authorities at the fair.

There are several options for dealing with this problem, such as the posting of signs indicating that fair patrons should report all injuries to a central location (i.e. the administration office) and negotiating with EMS providers to provide reports/logs with general accident information apart from their official medical report.

For assistance in dealing with your fair's specific situation for accident reporting, please contact Tom Amberson, CFSA's Risk Department Manager (916) 263-6180.