



**MONTGOMERY COUNTY
FIRE AND RESCUE SERVICE**

04-01

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Worker's Compensation Claims

5/16/16

Issued by: Fire Chief Scott E. Goldstein

Policy Number: 04-01

Authority: Montgomery County Code Section 21-3 (b)

Supersedes: Montgomery County Fire and Rescue Commission Executive Regulation #29-90, Workers' Compensation Claims, dated 2/28/91, DFRS Policy and Procedure #801 Workers' Compensation Claims, dated 3/7/91, and Fire Chief's General Order #10-16, MCFRS Work-related Injury/Illness Investigations, dated 11/17/2010.

Effective Date: May 16, 2016

SECTION 1. Purpose:

This policy establishes a standard method for personnel to use when investigating and reporting MCFRS work-related injuries and illnesses.

SECTION 2. Applicability:

This policy and procedure applies to all MCFRS personnel.

SECTION 3. Background:

This policy and procedure consolidates two old MCFRS/DFRS policies and a former Fire Chief's General Order.

SECTION 4. Definitions:

- a. **Employer's First Report of Injury Form**: The form required by the State of Maryland to report a work-related injury or illness, and is required by Montgomery County to establish a workers' compensation claim.
- b. **FROMS**: Fire Rescue Occupational Medical Services.
- c. **Infectious Exposure**: A specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood, body fluids, or other potentially infectious material; inhalation of airborne pathogens; or ingestion of foodborne pathogens or toxins.
- d. **Injury**: An accidental injury arising out of and in the course of duty with MCFRS, as defined by the Maryland Workers' Compensation statute, and as interpreted by Maryland case law.



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- e. **Illness:** An ailment, disorder, sickness, or occupational disease which is the result of working under conditions inherent in the course of duty with MCFRS, as defined by the Maryland Workers' Compensation statute, and as interpreted by Maryland case law.
- f. **MEWS:** Medical Evaluation of Work Status Form.
- g. **MCSIP:** Montgomery County Self-Insurance Program.
- h. **Occupational Exposure:** An infectious exposure that resulted from performance of an individual's duties.
- i. **Risk Management Accountability Program (Risk MAP):** The electronic database maintained by the MCFRS Safety Section, used for reporting collisions, incidents, injuries, illnesses, and near misses.
- j. **Third Party Administrator (TPA):** A contractor of Montgomery County that is responsible for the County's 24-hour reporting service and Managed Care Program.

SECTION 5. Policy:

It is the policy of MCFRS to investigate, report, and manage work-related injuries and illnesses experienced by its personnel.

- a. All MCFRS work-related injuries and illnesses must be reported, regardless of whether or not the individual seeks treatment.
- b. The supervisor of personnel who suffer a work-related injury or illness must report the injury or illness to the TPA and their chain-of-command.
- c. All MCFRS Workers' Compensation claims must be reported through the Montgomery County Self-Insurance Program (MCSIP). Information and instructions on how to report a claim can be found at www.mcsip.org.
- d. All MCFRS work-related injuries/illnesses must be investigated and documented in Risk MAP. A work-related burn injury, exposure to communicable disease, or injury/illness that requires the individual to be admitted to the hospital must be investigated by the on-duty Safety Officer.
- e. MCFRS personnel who are off-duty and are injured while providing emergency fire, rescue, or EMS assistance in Montgomery County, Maryland, or while attending an MCFRS-approved training class, will be covered as if on-duty.

SECTION 6. Responsibility:

All MCFRS Personnel must report all work related injuries and illnesses to their Supervisor whether or not the individual seeks medical treatment.



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SECTION 7. Procedure:

a. Personnel must:

1. Report all work-related injuries or illnesses to their supervisor, no matter how minor;
2. Cooperate with, and provide truthful information regarding the incident to the Injury/illness investigator;
3. Provide a written statement to the injury investigator(s) describing the circumstances of the injury/illness;
4. Provide pertinent information regarding their condition to the TPA. If the individual is represented by an attorney such requests for information from the TPA will be made to the attorney of record for the claim.
5. Provide their licensed health care provider and/or hospital, with the information necessary, and inform the health care provider or hospital to send bills directly to the TPA or the injured party's Workers' Compensation Attorney for processing.

b. Supervisors must:

1. Arrange for immediate medical attention for personnel who sustain a work-related injury/illness, as necessary;
2. Notify the on-duty Battalion Chief, Safety Officer, or appropriate Chief Officer of the injury or illness, to start the investigation process;
3. Report the work related injury or illness through the MCSIP to the TPA. (See instructions at www.mcsip.org);
4. Identify any witnesses to the injury/illness and obtain witness contact information and, when possible, obtain a written statement; and
5. Assist the Injury Investigator as necessary.

c. The Battalion Chief, Safety Officer, or appropriate Chief Officer is responsible for:

1. Reporting immediately to the scene of the injury/illness;
2. Determining any additional resources needed to assist with the investigation;
3. Conducting the injury/illness investigation;
4. Ensuring the supervisor of the injured/ill personnel reports the injury/illness to the TPA;
5. Notifying the Duty Operations Chief(s), Safety Officer, and appropriate rostered Chief; and
6. Immediately notifying the Safety Chief of:
 - A. work-related injuries that result in hospitalization;
 - B. work-related death, amputation, loss of an eye; and
 - C. other severe work-related injuries or illnesses.



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- d. The Injury/Illness Investigator(s) is responsible for:
1. Reporting immediately to the scene and investigating the injury/illness;
 2. Determining whether an Injury Investigation Team is needed;
 3. Inspecting, documenting, and impounding as necessary, any Personal Protective Equipment or other equipment that is involved in the injury/illness;
 4. Gathering from all parties, information including, but not limited to:
 - A. the circumstances that led to the injury/illness;
 - B. photographs of the scene, and notes on the weather; and
 - C. statements from injured/ill personnel and witnesses.
 5. Determining cause of the injury or illness, preventability, corrective actions and reporting the findings in Risk MAP and notifying the appropriate Chief Officer;
 6. Completing a Risk MAP report within 24 hours and ensuring an AD5 report is sent to the Duty Operations Chief or appropriate Chief Officer for career personnel if a lost time injury/illness occurs;
 7. Ensuring that the required reports and statements of personnel are properly completed and submitted as required; and
 8. Notifying the appropriate LFRD Chief.
- e. The Duty Operations Chief is responsible for ensuring that this policy is followed and:
1. Ensuring that the injury/illness is properly investigated and reported;
 2. Ensuring that an injury investigator is assigned;
 3. Notifying the Fire Chief and other Chief Officers, as required;
 4. Ensuring the LFRD Chief or designee is notified when LFRD personnel sustain an injury/illness;
 5. Assisting, as needed, in providing replacement personnel to ensure that appropriate staffing is maintained;
 6. Assisting the Injury Investigator as necessary; and
 7. Reviewing AD5 requests and forwarding them as appropriate.
- f. The MCFRS Safety Section is responsible for:
1. All Risk MAP data, and reviewing all completed Risk MAP reports to ensure their accuracy and completeness;
 2. Conducting any follow-up investigation required;
 3. Attaching the First Report of Injury to the Risk MAP Report;



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4. Ensuring injury investigators are qualified, as established by MCFRS;
5. Notifying County Risk Management and/or Maryland Occupational Safety and Health Administration when there is a work-related:
 - A. Death;
 - B. Injury or illness that requires in-patient hospitalization;
 - C. Amputation, or
 - D. Loss of an eye.

SECTION 8. Cancellation:

This policy cancels and supersedes Montgomery County Fire and Rescue Commission Executive Regulation #29-90, Workers' Compensation Claims, dated 2/28/91, DFRS Policy and Procedure #801 Workers' Compensation Claims, dated 3/7/91, and Fire Chief's General Order #10-16, MCFRS Work-related Injury/Illness Investigations, dated 11/17/2010.

SECTION 9. Attachments:

- a. Medical Evaluation of Work Status (MEWS) Form.

Approved:

Handwritten signature of Scott E. Goldstein in black ink.

Scott E. Goldstein, Fire Chief
Montgomery County Fire and Rescue Service

May 16, 2016

Date