

By Standard Number / 1904.6 - Determination of new cases.

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- **Part Number:** 1904
 - **Part Number Title:** Recording and Reporting Occupational Injuries and Illness
 - **Subpart:** 1904 Subpart C
 - **Subpart Title:** Recordkeeping Forms and Recording Criteria
 - **Standard Number:** 1904.6
 - **Title:** Determination of new cases.
 - **GPO Source:** e-CFR
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1904.6(a)

Basic requirement. You must consider an injury or illness to be a "new case" if:

1904.6(a)(1)

The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or

1904.6(a)(2)

The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.

1904.6(b)

Implementation.

1904.6(b)(1)

When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case? No, for occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

1904.6(b)(2)

When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, must I treat the episode as a new case? Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.

1904.6(b)(3)

May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case? You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the physician or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

[42 FR 65166, Dec. 30, 1977, as amended at 47 FR 145, Jan. 5, 1982; 47 FR 14706, Apr. 6, 1982; 62 FR 44552, Aug. 22, 1997; 66 FR 6125, Jan. 19, 2001]

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