**Section 350.280 Determination of New Cases**

a) Basic Requirement

An injury or illness is a new case if:

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

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.

b) Implementation

1) Recurrences

For occupational illnesses in which the signs or symptoms recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. EXAMPLES: Occupational cancer, asbestosis, byssinosis and silicosis.

2) New Cases

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, the incident must be treated as a new case because the episode or recurrence was caused by an event or exposure in the workplace.

3) Advice of a Health Care Professional

The employer is not required to seek the advice of a physician or other licensed health care professional. However, if such advice is sought, the employer must follow the licensed health care professional's recommendation about whether the case is a new case or a recurrence. If the employer receives recommendations from 2 or more licensed health care professionals, he or she must make a decision as to which recommendation is the most authoritative, best documented or best reasoned and record the case based upon that recommendation.