

COVID-19 Claims Frequently Asked Questions

Q: Does a possible exposure to COVID-19 constitute a reportable workers' compensation injury?

A: No, exposure alone does not constitute an injury. A claim will not be initiated by a report of exposure only. If the employee subsequently tests positive for COVID-19 and alleges that the exposure occurred at work, it should be reported. Certain states have adopted rule changes that allow for a COVID-19 diagnosis by a doctor, as well as a positive test result. As of May 11, 2020, the states allowing a doctor diagnosis are Alaska, California, Michigan, Minnesota, Utah and Wisconsin. If a claim is filed as a result of a positive test (or a doctor diagnosis in the referenced states), we will then conduct a compensability investigation.

Q: How do we determine compensability of an infectious disease like COVID-19?

A: Generally speaking, ordinary diseases of life (e.g., flu, common cold) are not compensable. Due to the unprecedented nature of this global pandemic, some state legislatures and Governors have taken action to modify the law regarding which individuals can receive workers' compensation benefits for work-related exposure to COVID-19 and the evidence required to establish that the virus was contracted at work. We are monitoring and evaluating these legal changes and their impact on the claims environment in each state.

Q: What do I do if my employee says they think they have coronavirus and asks me to send them to the doctor to be tested?

A: For most employees, an illness from an infectious disease is not work related. You should address claims as you would for any other illnesses outside the workers' compensation system. The government and health plans have announced that testing for COVID-19 will be provided at no cost.

Q: What do I do if I think one of my employees has symptoms of COVID-19?

A: The CDC has created excellent guidance around this, which can be found at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

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Q: I hear doctors' offices are limiting visits right now. What do I do if one of my employees needs medical care for a work-related injury or illness?

A: If an employee needs an in-person visit for a new injury or for follow-up visits, our claims team will assist them as usual to identify a doctor or clinic or to schedule a follow-up visit. Our Provider Group is monitoring our network doctors and clinics daily to determine which clinics or doctors are open and seeing or scheduling patients.

We support the use of telemedicine and telerehab where appropriate to prevent the delay of care and recovery. We are applying our same disciplined process of evaluating the medical necessity of the visit.

Q: How do we address disability benefits for an alleged COVID-19 exposure/diagnosis?

A: No benefits will be paid until compensability is established. If the claim is deemed compensable, statutory benefits will be paid.

Q: How do we address employees who were either totally or partially disabled and on light duty prior to the COVID-19 outbreak, but who are now self-quarantined, or losing time from work due to Stay-in-Place orders?

A: Each state has different laws and regulations with respect to the payment and/or termination of TTD benefits relative to open claims. Our Claims and Legal teams have evaluated the law in each state and are appropriately paying benefits as governed by state law.