

IMPORTANT COVID-19 UPDATE

EFFECTS OF COVID-19 ON THE WORKER COMPENSATION CLAIM PROCESS

Given the quarantine mandates imposed by government officials and employers, many worker compensation related functions may not be in operation, and therefore some aspects of the worker compensation claim process could be delayed.

What You Need to Know

- The Pennsylvania and New Jersey courts are closed until at least April 3, 2020 with all hearings and mediations cancelled.
- Independent Medical Exams (IMEs) and doctors' depositions are largely being cancelled
- Courts in Delaware and New York are operating on a limited basis.
- Non-essential physician visits may be delayed by two-three weeks which include diagnostic testing, release of restrictions, return to work approvals and certification of maximum medical improvement (MMI).
- Disability duration and associated indemnity costs are expected to increase over the near term as injured or sick employees remain out of work longer than anticipated
- In some jurisdictions, if an employee is on modified duty and is totally out now due to the virus, he/she may or may not be entitled to continued workers' compensation.
- Financial hardships will likely translate to increased claim duration
- Companies that must lay off employees may see a spike in workers' compensation claims as minor aches and pains could surface as work related

- Companies that use triage and tele-doctors or virtual doctors should continue to do so
- All carriers have assured that there will be no disruption in service and claims will be processed and benefits will be paid in a timely manner.
- Most carriers have developed internal task forces that will review all incoming losses coded and characterized as "Contagious Disease." Conditional questions will be posed to develop information whether the loss includes a potential exposure to the Coronavirus.
- Some carriers will set up workers' compensation claims as indemnity claims given the enhanced investigation that will be required of these claims.
- Carriers who offer nurse triage services have enhanced scripts to identify essential symptoms, description of the nature and duration of exposure and whether the exposure occurred in the work environment consistent with the criteria set by the Centers for Disease Control and Prevention.
- If someone is exposed but not infected, a psych claim could be submitted. For psych claims you need abnormal working conditions. In this instance that means evidence that employees are being forced to work in close quarters with someone known to be exposed/infected without the necessary protective measures (in health-worker case).

Please be assured Conner Strong & Buckelew is here to advocate for you through this process and to investigate claims with your carrier if necessary. We will continue to share updates about carriers and government agency operations as they become available.

In the meantime, please visit our [COVID-19 Resource Center](#) for more information.

