

Presumptive Eligibility for Health Care Workers During a Public Health Emergency

Purpose: To describe presumptive coverage for health care workers during a declared public health emergency.
New law: It is presumed that a health care worker contracted a contagious or infectious disease at work when they file a workers' compensation claim for a disease that is the subject of a public emergency, (e.g., COVID)
Proof of Qualification: You will be required to provide proof to the Washington State Department of Labor & Industries (L&I) or your self-insured employer that you contracted the disease. Generally, this includes a positive test result from a medical provider.
Reporting Timeline: Notify your employer as soon as possible when you have an on-the-job injury or <u>have contracted an infectious disease</u> . L&I or your self-insured employer must receive your accident report within one year of your injury to file a claim or within two years from the date of your doctor's diagnosis for occupational disease claims. For assistance with the self-insured claims process, contact 1.888.317.0493.
Claim Exclusion from Coverage: Your claim may be excluded if there is evidence that you did not contract the disease through your work. This could happen if the disease occurred from other employment or non-employment activities, you were working from home or another location, or you were on leave for a period of time prior to contracting the disease.
Other Reasons for Claim Denial: <ul style="list-style-type: none"> • Positive COVID test results not provided • Medical records unavailable • Lack of information from provider/health care entity that ordered quarantine
WA DOH Labor & Industries Worker's Compensation Benefits: Once a claim is allowed, workers are eligible for medical and disability benefits. Temporary compensation, or time-loss benefits, begins the earliest of the following: <ul style="list-style-type: none"> • The first missed workday due to symptoms. • The day the worker was quarantined by a medical provider or public health official. • The day the worker received a positive test result confirming contraction of the infectious or contagious disease.
Filing a Worker's Compensation Claim: Direct Filing with Labor and Industries Workers for employers insured through the Department of Labor and Industries (L&I) can file a claim online, by phone, or with a paper Report of Accident available from their medical provider. Link to File a Claim: https://www.lni.wa.gov/claims/for-workers/file-a-claim/ OR https://www.lni.wa.gov/claims/for-medical-providers/filing-claims/filefast-report-of-accident Filing through Place of Employment Workers are entitled to file a workers' compensation claim (SIF2 form) with the Department of Labor and Industries. If a health care worker is directed to quarantine by the employer due to a workplace COVID exposure: The worker can file a claim for benefits even if they test negative for COVID. Workers are covered under <u>ESSB 5115</u> and <u>RCW 51.32.181</u> , for both contraction of COVID and for quarantine only (with no contraction of COVID).
Claim Suppression If the employer does not allow a workers' compensation claim to be filed, the worker may file a Claim Suppression form with Labor and Industries - https://lni.wa.gov/fraud/claim-suppression
Claim Denial If Labor and Industries denies the workers' compensation claim, the worker may protest for reconsideration by submitting a <u>written dispute</u> within 60 days to either Labor and Industries or the Board of Appeals. A phone call to a Labor and Industries Claims Manager is insufficient to start a dispute – this must be in writing.
Labor and Industries Resources: https://www.lni.wa.gov/agency/outreach/common-questions-about-presumptive-coverage-for-health-care-and-frontline-workers https://lni.wa.gov/agency/_docs/covid-19-workers-comp/PresumptiveCoverageForHealthCareAndFrontlineWorkers.pdf https://lni.wa.gov/claims/for-workers/injured-what-you-need-to-know/