

The following new reporting requirement is related to potential COVID-19 claims in California only

Employers are now required to report a **potential** COVID-19 claim when the employer knows or **reasonably** knows that an employee has tested positive for COVID-19. Please note, this is regardless of whether the employee is actually filing a claim or not. If the employee hasn't actually filed a claim the employer is still required to report the potential COVID-19 claim to us but is **NOT** allowed to provide us with any personal information, i.e., their name, SS # or DOB. Additionally, the employer is required to retroactively report to us any employee who they know or "reasonably know" has tested positive for COVID-19 since July 6, 2020 (assuming they haven't already reported it as a claim). Also, for each report the employer sends us they are also required to provide the address or addresses of each location the employee worked at for the 14 days preceding the positive COVID-19 test result and lastly, the employer is also required to provide us with the highest number of employees who worked at each location the positive employee worked at for 45 days preceding the positive test date.

- A. As the TPA, we are then required to keep track of any "outbreak". An "outbreak" is established if A) 4 or more employees test positive within 14 calendar days of that place of employment if they have 100 or fewer employees; or
- B. 4% of the number of employees test positive within 14 calendar days if the place of employment has more than 100 employees. If it is deemed there is an outbreak, then the claim is presumed to arise out of and in the course of employment. The presumption is disputable, and the adjusters will need to do their due diligence when investigating the claim before issuing a determination. There must be an established "outbreak" in order for the claim to be presumed compensable.

Based on the above, please convey the following procedures to any of your accounts that have locations in CA:

1. If the employer is reporting a **potential** COVID-19 claim (the employee hasn't indicated they are actually filing a claim) the employer should report this as an RPO. When reporting this as an RPO, the employer will complete the first name of the employee as "Covid" and the last name will be "Claimant 1" and for each subsequent report, they will use Claimant 2, Claimant 3, etc.
2. In the accident description, please make sure the employer indicates "Covid positive". This will help our report team to be able to accurately run reports for the Covid RPO's for the employers, thus allowing us to more easily identify any "outbreaks".
3. The employer must keep track of the actual employee's name when they are reporting the RPO to us. For example, Covid Claimant 1 is Bill Smith. The employer will have this information so if that RPO needs to convert to a claim, the employer can convert the correct claim. This is extremely important if the employer has multiple locations as we are required to keep track of any outbreaks. Lastly, if an employee works at multiple

locations, the employer must keep track of all locations the employee worked at for the last 14 days as each place must be counted as having a positive test and if any of those locations meet the definition of an outbreak, then that location would be counted as the employee's place of employment.

Please note that an employer can be fined up to \$10,000 if they fail to submit the required information. It's important for the employers to know they need to report the claims as well as keep track of what they are reporting.

It is important to note the above **does not** pertain to any first responders (police, firefighters, rescue services, EMT/paramedics), health care employees (anyone who works at a health facility), and employees who provide home health care services. These employees are all considered "front line workers" and have their own labor code (3212.87) which **does not** require the employers to track these claims and/or locations.

The Governor signed the bill on September 17th, 2020 and it is in effect immediately. This bill will remain in effect until January 1, 2023 when at that time, it will be repealed.

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