

CORONAVIRUS DISEASE 2019 (COVID-19)

Workers' Compensation Frequently Asked Questions



Audience: Gatekeepers and Workers' Compensation Coordinators

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COVID-19 Response Team Owner: Planning

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What's Changed:

Revised Question 5 – Revised to reflect impact from implementation of OSHA Healthcare Emergency Temporary Standard (ETS) effective 7/6/2021.

Revised Question 6 – Clarified that Workers' Comp (WC) benefits will not automatically commence when COVID-19 Paid Leave terminates and the obligation of Workers' Comp Coordinators to notify the TPA of key dates.

Revised Question 10 – Narrowed definition stating that incidents should be 'Exported to TPA' when work-related exposure is probable (as opposed to possible) and change from 4-point to 3-point investigation unless the complexity of the claim warrants follow-up with colleague's supervisor.

Revised Question 13 – Updated OSHA definition of exposure.

Revised Question 17 – Added language to encompass COVID-19 boosters and defined business rules for handling adverse vaccine reactions pre and post 7/8/21 (date Trinity Health mandated vaccinations).

Added Questions #19-22 – Provides FAQs arising from the implementation of OSHA Healthcare ETS effective 7/6/2021 and links to relevant resources on COVID resources page.

Follow state Workers' Compensation (WC) reporting guidelines if definition of work-related COVID-19 is more encompassing. Please work with your TPA (ESIS) Claims Representative and Trinity Health WC Claims Manager to ensure that state Workers' Compensation reporting guidelines are met.

Question	Answer
1. Should all work-related COVID-19 incidents be 'Exported to TPA'?	No. Only those work-related incidents meeting one of the following requirements should be 'Exported to TPA': <ul style="list-style-type: none">COVID-19 positive diagnosis from a physician, orLaboratory-confirmed positive COVID-19 test
2. If the work-related incident results in a COVID-19 positive diagnosis and is 'Exported to TPA', are costs for testing for COVID-19 covered under Worker's Compensation?	In cases where the test is performed at a Trinity Health facility, there will be no charge to the colleague. Costs should be charged to 81205 COVID-19 cost center at each Ministry. Please also refer to Question #16. If a bill for testing is sent to the TPA and the claim is deemed compensable, then yes, the cost of the test, if any, should be covered by Workers' Compensation.

Question	Answer
<p>3. If a colleague receives a bill for testing AND the work-related incident results in a NEGATIVE COVID-19 diagnosis, AND was thus NOT 'Exported to TPA', can the cost of the test still be covered by Trinity Health?</p>	<p>If testing is performed at another place of service, the colleague's health plan may cover the bill. The health insurance carrier may initially cover the cost of testing but may later seek reimbursement from Workers' Compensation if a claim is made and accepted as compensable under Workers' Compensation state regulations.</p> <p>Note this process should only be necessary in rare circumstances.</p> <p>If the ONLY cost incurred is the TEST itself, a special 'Admin Only' claim will be used by the TPA from which the bill can be paid without prejudice by our TPA. This situation is likely to occur when a colleague is tested, no physician or hospital visit occurred, AND the test result is NEGATIVE. Additionally, the bill should first be presented through the colleague's health insurance before submission of any residual amount for reimbursement under the 'Admin Only' claim. Bills must be itemized to show the cost of the test only because reimbursement for the colleague's co-pay or deductible for physician visits or other care/treatment will not be made.</p> <p>Follow the process outlined below:</p> <ol style="list-style-type: none"> 1. Enter incident in THEIR 1. Gatekeep the incident but do not 'Export to TPA' 2. Email bill for test only to THEIR@trinity-health.org and include: <ol style="list-style-type: none"> a. Subject line: Bill for COVID-19 Test Only b. THEIR Incident #, colleague name, confirmation of negative diagnosis and no other bills are expected, name of payee (e.g., colleague or insurance provider), denial from insurance carrier 3. Bills will be reviewed and approved by the WC Claims Manager and sent to the TPA for payment. <p>If after further review the initial incident now meets criteria, 'Export to TPA'. The cost of the test and related medical bills submitted may then be covered under Workers' Compensation.</p> <p>Also refer to "COVID-19 and Flu Testing and Billing Process for Colleagues"</p>
<p>4. Should all testing costs for a work-related incident where COVID-19 diagnosis is negative be paid via the above process?</p>	<p>No. Only the cost for a work-related COVID-19 test performed at a non-Trinity Health facility that is not accepted by a colleague's health insurance plan may be processed via the 'Admin Only' claim process referenced above. Reimbursement beyond the cost of the test itself (e.g., for the colleague's co-pay or deductible for physician visits or other care/treatment) will not be made.</p>
<p>5. If a colleague is placed on COVID-19 Paid Leave, will the colleague be paid under Workers' Compensation for this period?</p>	<p>COVID-19 Paid Leave is paid directly through payroll for a colleague who has been placed on HR-approved leave due to COVID-19. Trinity Health will not seek reimbursement for payment of the COVID-19 Leave under the Workers' Compensation claim.</p> <p>In some states, a differential may be owed between the amount paid under the COVID-19 Paid Leave versus what would be compensable under Workers' Compensation may be paid. As a result, the TPA will need payroll records for all claims deemed reimbursable, regardless of whether the leave extends beyond the COVID-19 Paid Leave period.</p> <p>Effective July 6, 2021, COVID-19 Paid Leave under the OSHA Healthcare ETS is \$1,400 per week max. Colleagues' whose workers' compensation benefits exceed this amount may be entitled to wage loss/differential pay.</p>

Question	Answer
	Refer to COVID-19 Paid Leave on the COVID-19 Resources page and FAQ #19-23 below for more FAQs regarding the impact of OSHA Healthcare ETS.
<p>6. If the colleague's COVID-19 exposure is work-related and the Workers' Compensation claim has been accepted by the TPA, will the colleague receive benefits under Workers' Compensation after COVID-19 Pay terminates?</p>	<p>Workers' Compensation benefits will not automatically commence after COVID-19 Pay terminates. If the extension of leave is due to COVID-19, AND if the incident has been reported in THEIR AND 'Exported to TPA', AND if supporting medical documents evidencing the need for continued time off work has been provided and are acceptable to the Ministry and TPA, then Yes, payment of 'Lost Time' wages should be paid according to state regulations.</p> <p>The Workers' Compensation Coordinator should notify the TPA of the start, expected end date, and confirmed end date of the COVID-19-Pay.</p>
<p>7. What can I do to help expedite payment of Lost Time wages if COVID-19 Paid Leave has been exhausted and the colleague remains off work as a result of COVID-19?</p>	<ol style="list-style-type: none"> 1. 'Export to TPA' as soon as the colleague has either: <ol style="list-style-type: none"> a. COVID-19 diagnosis from a physician, or b. Laboratory-confirmed positive COVID-19 test 2. Email the TPA Supervisor and provide: <ol style="list-style-type: none"> a. Nature of COVID-19 diagnosis (Physician or lab-confirmed positive diagnosis) b. Confirm exposure to positive source c. Provide start date and end date of Administrative Leave d. Provide name and phone number of colleague's supervisor 3. As soon as known, notify TPA that additional Lost Time beyond COVID-19 Paid Leave will occur, confirm leave relates to the original injury and dates of leave. 4. Provide TPA with supporting medical documents evidencing need for continued time off work. 5. TPA will conduct a 3-point investigation to support payment of Lost Time wages. <ol style="list-style-type: none"> a. Encourage supervisors and colleagues to promptly return calls to the TPA.
<p>8. Do I need to 'Export to TPA' if we don't expect any medical bills or lost time beyond the COVID-19 Paid Leave?</p>	<p>Yes. All work-related incidents meeting the criteria in #1 above must be 'Exported to TPA'. Export the incident immediately if the event is deemed work-related AND the colleague is diagnosed positive. Even if the likelihood of benefits being paid under Workers' Compensation is nil, it's imperative that the TPA receive the claim as soon as possible in order to perform an appropriate investigation in the best interest of everyone involved.</p> <p>Even though the claim may be accepted by Workers' Compensation, this does not automatically mean that the incident is recordable on the OSHA log. Reference "THEIR Gatekeeping and OSHA Recordability FAQs" for more information regarding OSHA recordkeeping.</p>
<p>9. What Date of Injury (DOI) should I use for a COVID-19 incident/claim?</p>	<p>For purposes of COVID-19, the Date of Injury is generally defined as the date the colleague incurred a work-related exposure to COVID-19. The Date of Injury is not considered to be the date of a COVID-19 diagnosis. This definition may vary by state; however, generally speaking, if the date of the work-related exposure is unknown, the last date of work may be used.</p> <p>Reference "THEIR Gatekeeping and OSHA Recordability FAQs" for more information regarding OSHA recordkeeping.</p>

Question	Answer
<p>10. If I'm not able to definitively confirm if an exposure is work-related or community-based, should I still export the incident to the TPA if the COVID-19 diagnosis is positive?</p>	<p>Yes. If after performing your due diligence and a thorough investigation and you've determined it is probable that the colleague was exposed at work, 'Export to TPA'.</p> <p>In all cases, the TPA will then perform a 3-point investigation (Colleague, WC Coordinator, and Provider) to further assess work-relatedness and other specifics related to the injury before determining compensability. In certain cases, it may be beneficial for the TPA Claims Representative to also conduct an interview with the Claimant's Supervisor to gain additional clarity. The WC Coordinator and/or TPA Claims Representative can make this determination.</p> <p>Even though the claim may be accepted by the TPA, this does not automatically mean that the incident is recordable on the OSHA log. Reference "THEIR Gatekeeping and OSHA Recordability FAQs" for more information regarding OSHA recordkeeping.</p>
<p>11. If a colleague voluntarily participates in a clinical trial for COVID-19, will this impact Workers' Compensation benefits?</p>	<p>Any voluntary participation in a clinical trial or the use of a medication without a valid prescription from a licensed practitioner (other than over-the-counter medications used as intended) to treat or prevent COVID-19 that results in adverse consequences or medical costs may negatively impact any claim for Workers' Compensation.</p>
<p>12. If the colleague incurs multiple work-related COVID-19 exposures on different days, and I'm required to submit each incident separately into THEIR, do I export them all to the TPA if the colleague is diagnosed positive for COVID-19?</p>	<p>No. Only 'Export to TPA' one of the incidents for the same colleague for these multiple exposures. We recommend you export the exposure with Date of Injury that is, or is closest to, the last day of the work-related exposure. Please provide any additional information about the number and nature (e.g., exposed to positive COVID-19 patient or colleague) of the other exposures to aid the TPA in investigation.</p>
<p>13. Does a work-related exposure occur for Workers' Compensation purposes if the colleague used PPE?</p>	<p>The use of PPE may not be relevant for determining compensability and thus work-relatedness for Workers' Compensation purposes should be based on whether there was a likelihood the exposure (regardless of use of PPE) arose out of, and in the course and scope of, employment.</p> <p>A work-related exposure for OSHA purposes is any unprotected work-related close contact (exposure) to a suspect or confirmed case of COVID-19 that arises out of and in the course of employment. If a colleague is wearing a respirator and other required PPE, this is not considered a workplace exposure". Refer to "THEIR Gatekeeping and OSHA Recordability FAQs" for definition of "close contact" and situations in which COVID-19 illnesses are likely work-related for OSHA purposes.</p>
<p>14. Why are some colleagues reporting they are being told by The Hartford that they need a Workers' Compensation denial before they are eligible to receive Short Term Disability (STD)?</p>	<p>In situations where the ministry Gatekeeper does not deem the incident to be work-related or where a diagnosis of COVID-19 is negative, incidents should not be exported to TPA (unless presumption of work-relatedness is dictated by statute). In some situations, however, when the colleague is asked by The Hartford if the incident occurred at work, they may be answering 'Yes'. In this case, The Hartford will first require a Workers' Compensation denial before accepting any claim for disability. To avoid this delay, please counsel colleagues accordingly. To avoid exporting to the TPA for the sole purpose of obtaining a denial, please see Question #15.</p>

Question	Answer
<p>15. If the incident is NOT work-related but the colleague already communicated to The Hartford that it is work-related, do I need to 'Export to TPA' in order to get a Workers' Compensation denial by the TPA?</p>	<p>No. Do not export the incident to the TPA simply to obtain a Workers' Compensation denial in order to avoid significant cost and delays. Your HR Representative can notify The Hartford in writing (via e-mail) that the incident is not work-related, if appropriate. Please refer to sample template below:</p> <p>To: The Hartford</p> <p>Subject: Workers' Compensation Denial for <Colleague Name>; <Employee ID Number: #####>; DOI: <MM/DD/YYYY></p> <p>Please be advised that based on the information known at the present time, the colleague's injury/illness is not deemed to be work-related and there is no claim accepted under Workers' Compensation.</p> <p>Please let me know if additional information is required.</p>
<p>16. Does all colleague COVID-19 testing performed at a Trinity Health facility (whether work-related or community-based exposure) get billed to the 81205 COVID-19 cost center?</p>	<p>Yes. If the testing is performed at one of our Ministry locations, the testing costs should be charged to the 81205 COVID-19 cost center.</p> <p>Refer to COVID-19 & Flu Testing and Billing Process for Colleagues on the COVID-19 Resources website.</p>
<p>17. If a colleague has an adverse reaction to the COVID-19 vaccination or booster, should the incident be 'Exported to TPA' and is time off from work or medical care covered under Workers' Compensation?</p>	<p>Incidents occurring prior to 7/8/2021: Since the vaccination was not required by Trinity Health as a condition of employment prior to 7/8/2021, any medical costs or time lost from work due to an adverse reaction may not be considered a work-related 'injury' compensable under worker's compensation and the incident may not need to be "Exported to TPA". These incidents should be evaluated on a case-by-case basis in consultation with your Workers' Comp Claims Manager.</p> <p>Incidents occurring on or after 7/8/2021: Given that the vaccination is a condition of continued employment as of 7/8/2021, an adverse reaction to the COVID-19 vaccination or booster may likely be considered a work-related event. The incident should be "Exported to TPA" if there is medical documentation from a physician or licensed healthcare professional stating that the adverse reaction is a direct result of the COVID-19 vaccination or booster.</p> <p>The colleague receives COVID-19 Vaccine Pay through payroll (in effect as of 7/6/2021 as a result of OSHA Healthcare ETS) for up to 2 scheduled shifts for time off from work.</p> <p>In any case, if the colleague requests a Workers' Compensation claim be filed please proceed to "Export to TPA". The TPA Claim Rep will make appropriate compensability determinations based on the facts and circumstances of each case.</p>
<p>18. When investigating a workers' compensation claim for a positive COVID-19 diagnosis, can Trinity Health or the TPA Claims Rep ask the colleague if they have been vaccinated?</p>	<p>Trinity Health or the TPA Claim Rep may inquire about whether a colleague has been vaccinated and the timing of the colleague's vaccination for the purpose of completing the associated incident or workers' compensation claim investigation. We cannot access such information from the colleague's patient records and should not use the response provided by the colleague for any other purpose than for investigation of the incident or claim.</p>

Question	Answer
<p>19. How is COVID-19 Paid Leave paid and how long will the colleague receive it?</p>	<p>COVID-19 Paid Leave (aka COVID-19 Pay / medical removal protection benefits) was/is paid directly through payroll as follows:</p> <ul style="list-style-type: none"> - March 15, 2020 through January 31, 2021: up to 14 days - February 1, 2021 through May 31, 2021: up to 10 days - June 1, 2021 through July 5, 2021: none - July 6, 2021 to current: Effective with implementation of the OSHA Healthcare ETS, COVID-19 Paid Leave is paid based on Trinity Health's determination following guidance from a licensed healthcare provider or CDC's "Isolation Guidance" and CDC's "Return to Work Healthcare Guidance." Refer to the tools below located on the COVID resource page for more specifics and Trinity Health's decision-making process for determining when a colleague can be cleared to return to work. <ul style="list-style-type: none"> • RETURN TO WORK: Guidelines for Colleagues Returning Post-COVID-19 Illness or Close Contact Exposure • Colleague Exposure Assessment Tool • COVID-19 Paid Leave
<p>20. How is COVID-19 Pay applied in conjunction with Workers' Compensation?</p>	<p>Unlike COVID-19 Pay which is designed to pay colleagues for the period necessary to prevent the spread of the virus by isolation or quarantine, Workers' Compensation may be paid to compensate the colleague for a work-related COVID-19 positive diagnosis when the colleague becomes disabled and is unable to return to work beyond the required isolation period. Determination of compensability under Workers' Compensation will be determined by the TPA after a thorough investigation.</p> <p>Each colleague's situation must be examined on a case-by-case, and state by state basis. Communication between Leave Administrators, Workers' Comp Coordinators, Employee Health Services and the TPA is essential so that colleagues are properly paid under the correct benefit and for the correct period.</p>
<p>21. Does the TPA need payroll records if the colleague is not expected to be out of work beyond the period of time they receive COVID-19 Pay?</p>	<p>Yes. In all cases, ministry Workers' Comp Coordinators should send colleague payroll information to the TPA. At a minimum, the TPA will need this information in order to determine if the colleague is entitled to wage loss/differential pay.</p>
<p>22. Is medical clearance needed from a physician in order to return a colleague to work under the OSHA Healthcare ETS?</p>	<p>No. Medical clearance can be determined by Ministry Employee Health Services. Refer to the tools listed in #19 above.</p>