

April 2020 BWC News from CareWorks Comp

*“The real winners in life are the people who look at every situation with an expectation that they can make it work or make it better.”
~Barbara Pletcher*

CareWorks Comp is acutely aware that the spread of coronavirus (COVID-19) is an escalating global health concern. In light of this, our clients will need our support more than ever in meeting the needs of their employees. We also recognize that a widespread outbreak could place increased demands on our capacity to meet those needs. We are fully committed to maintaining all services critical to the welfare of our clients and their employees. We will achieve this in a manner consistent with maintaining total focus on the health and safety of our own colleagues and their families.

In light of the COVID-19 pandemic and in order to provide the most timely and thorough information to all of our clients, we are including both public and private employer updates in this one newsletter. Please note that some of this information will not apply to you if you are public employer.

COVID-19 and Unemployment

Due to the Covid-19 crisis many employers are facing difficult decisions regarding whether to retain their employees or lay them off. The Small Business Administration (SBA) is offering assistance through the Paycheck Protection Program (PPP) that was designed to keep your workforce employed during the Covid-19 crisis. This program is for small businesses with fewer than 500 employees, including sole proprietorships, independent contractors and self-employed persons. The loan may be forgiven if the funds are used for payroll costs and other criteria as defined by the SBA. You can obtain more information at <https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>.

Unemployment insurance consultation services are included in the services we provide to all members who are participants in CareWorks Comp workers' comp group rating programs. If you have specific questions about your unemployment issues you are welcome to email your questions to our Unemployment Services Department at unemployment@careworkscorp.com. For further details and information here is the link to the Ohio Department of Jobs & Family Services website: <http://jfs.ohio.gov/ouio/CoronavirusAndUI.stm>

Is COVID-19 a Compensable Workers' Compensation Claim?

Ohio BWC (as of 3/21/2020)

It depends on how you contract it and the nature of your occupation. Generally, communicable diseases like COVID-19 are not workers' compensation claims because people are exposed in a variety of ways, and few jobs have a hazard or risk of getting the diseases in a greater degree or a different manner than the general public. However, if you work in a job that poses a special hazard or risk and contract COVID-19 from the work exposure, BWC could allow your claim. For More Information: <https://info.bwc.ohio.gov/wps/portal/bwc/site/employer/resources/covid19questions/>

Important BWC Policy Changes Regarding COVID-19

In response to COVID-19, the Ohio Bureau of Workers' Compensation (BWC) has announced several important policy changes which are currently scheduled to be in effect through April 30, 2020.

- BWC is extending all temporary total disability compensation benefits for claimant's who are receiving these benefits through April 30, 2020. The BWC is extending temporary total disability compensation benefits even without updated medical disability certification and support from the claimant's Physician of Record.
- BWC is extending all working wage loss and non-working wage loss benefits for a claimant who is currently receiving these benefits through April 30, 2020. The BWC is extending both working and non-working wage loss benefits and is not requiring a claimant to conduct an ongoing job search to be eligible for continued benefits.
- BWC is extending all forms of living maintenance benefits through April 30, 2020. A claimant is not required to be actively participating in a rehabilitation program to continue to receive these benefits.
- BWC is not suspending the payment of medical benefits or compensation for a claimant's failure to attend any scheduled Independent Medical Examinations (IME) during this period. Traditionally, if a claimant refuses to attend an IME, their claim is suspended until they attend the examination. However, due to COVID-19 the BWC is extending the payment of benefits through April 30, 2020 even if a claimant refuses to attend an IME.
- BWC has canceled all IMEs including 90-day, extent of disability, and permanent partial disability examinations. BWC is exploring alternative means of obtaining medical evidence including "virtual" examinations. However, as of now, there is no set policy in place as to when or how these alternative "virtual" examinations may be implemented.

May 2020 On-Site CareWorks Comp Seminars Cancelled

In response to statewide implementation of Coronavirus (COVID-19) prevention measures, **CareWorks Comp is canceling all upcoming on-site statewide seminars that were scheduled in 3 locations this May.** We have chosen to cancel the seminars for the health and safety of our clients and our colleagues.

If you have already registered for one of the seminars, a CareWorks Comp colleague will be in touch with you in the very near future to discuss your options, including upcoming alternative training and education opportunities. We are committed to maintaining all services critical to the welfare and success of our clients. If you have any questions or concerns, please call our main office at 1.800.837.3200 and ask to speak with one of our customer service representatives.

April BWC Safety Council Meetings Cancelled Statewide

In light of the state of emergency declared by Governor DeWine, the Ohio BWC advises its Ohio Safety Councils to **suspend monthly meetings in March, April and May** to minimize groups of people gathering as a measure to slow the spread of potential exposure. According to BWC attendance credits will still be given to members for March, April and May even though the actual meetings will not occur. Please note that on-line Safety Congress sessions DO NOT COUNT towards monthly Safety Council meetings. The BWC suggests for Safety Councils to present 2019 safety recognition awards to members at a future meeting, prior to June 30 if possible.

Ohio BWC Deferral of Premiums: March, April, and May

Ohio's Bureau of Workers' Compensation (BWC) system is the exclusive provider of workers' compensation insurance in Ohio and serves 249,000 public and private employers. To help businesses facing difficulties due to the COVID-19 pandemic, the Ohio BWC is announcing that insurance premium installment payments due for March, April, and May for the current policy year may be deferred until June 1, 2020. At that time the matter will be reconsidered. "BWC will not cancel coverage or assess penalties

for amounts not paid because of the coronavirus pandemic," said Lt. Governor Husted. "Installment payments due for the three-month period are totaled at approximately \$200 million, and that money will now stay in the economy." For more information, visit bwc.ohio.gov.

Ohio Industrial Commission Suspending In-Person Hearings

The Ohio Industrial Commission announced that beginning Wednesday, March 18, the Commission will begin conducting hearings by telephone for the following issues: permanent total disability, temporary total disability or the termination of temporary total disability, wage loss, allowance and additional allowance. All other hearing issues will be continued. CareWorks Comp will keep you updated on the status of hearings as the Ohio Industrial Commission makes them available.

Update on employer program reporting/requirement deadlines

Some good news: The Ohio BWC will be waiving all safety education and training requirements for this current 7/1/19 - 6/30/20 policy year for private employers for participants in the following programs:

- Drug-Free Safety Program.
- EM Cap Program.
- Grow Ohio.
- Industry-Specific Safety Program.
- One Claim Program.
- Policy Activity Rebate Program.

Discounts offered through these programs will be applied automatically. The 2020 public employer program participant requirements will be reviewed by the BWC in June. CareWorks Comp will communicate the BWC's plans with you at that time. Additionally, the annual report deadline submission for Drug-Free Safety Program participants has been extended to June 1, 2020.

COVID-19: Is it Recordable on my OSHA 300 Log?

Federal OSHA (as of 3/23/2020)

COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are met:

- The case is a confirmed case of COVID-19 (see CDC information on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
- The case is work-related, as defined by 29 CFR 1904.5; and
- The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7 (e.g. medical treatment beyond first-aid, days away from work).

For More Information:

<https://www.osha.gov/SLTC/covid-19/standards.html>

New Website For Businesses

Businesses and workers can now access all of these resources related to COVID-19 in one place at ohio.gov/BusinessHelp. The portal includes information on unemployment benefits, the Small Business Administration's Economic Injury Disaster Loan Program, the Liquor Buyback Program, modified rules for trucking to help ship critical supplies into the state, the delay of BWC Premiums, etc.