

UTAH COVID-19 UPDATES

Regarding Covid-19 in Utah, there are no specific rules covering exposure to communicable diseases. These claims are theoretically compensable if a link can be shown between work, the exposure, and actually getting symptoms. However, there are few cases that deal with communicable disease exposure (such as hepatitis, HIV, and needle sticks) and none of these have found to be compensable in the past. Therefore, if an employee claims that they were exposed at work, the procedure is recommended to be as follows:

- 1) Test for disease and confirm the diagnosis of Covid-19. There is nothing in the Utah statute or rules that requires we pay for testing, so it will be up to the carrier to determine if they want to pay for the test.
- 2) If positive, file a First Report of Injury
- 3) Take a position on the claim including potentially denying the claim as not being work-related
- 4) Litigate the claim and/ or provide treatment as in any other claim

The big issue with compensability in Covid-19 cases is medical causation. The petitioner will have to establish that they were exposed to the disease and contracted it as a result of their work. The issue with meeting that burden is that there appears to be widespread community spread, meaning that an employee could have also been exposed in a non-work setting. Therefore, it will be hard, if not impossible, for an employee to establish a compensable claim of Covid-19.

On March 20, 2020 WCIO announced newly approved codes for the reporting of COVID-19 claims as follows:

- Cause Code 83 - Pandemic
- Nature Code 83 - COVID-19

If you have any questions about Utah workers' compensation related Covid-19 issues, please reach out to Keith Orgel, Keith.Orgel@Ritsema-Lyon.com or Nancy Hummel, Nancy.Hummel@Ritsema-Lyon.com.