

WORKERS' COMPENSATION COMPLIANCE

Summary of legislative and regulatory changes

November 2023

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California

COVID-19 claims handling update

The COVID-19 rebuttable presumption statutes enacted in 2020 by [Senate Bill 1159](#) and extended last year by Assembly Bill 1751 will expire Jan. 1, 2024, resulting in the following changes:

- “First responder presumption” and “outbreak presumption” no longer exist and COVID-19 claims will be handled in the same manner as all other workers’ compensation claims.
- Without these rebuttable presumptions, the burden of proof is on the injured worker to prove by a preponderance of the evidence that their work put them at greater risk of contracting COVID-19.
- The compensability decision timeframe reverts to 90 days or 75 days for specified law enforcement and first responders, instead of 30 days under the first responder presumption or a 45-day decision under the outbreak presumption.
- Three-day waiting period is in effect.
- Mandatory employer-reporting of all positive COVID-19 tests to their administrator and/or carrier is no longer required.

As of Jan. 1, 2024, there are no states with COVID-19 presumptions. However, employers should still report any cases to their administrators where their employees inform them that they believe COVID-19 was contracted at work.

Nevada

DIR issues FAQ regarding changes relate to Senate Bill 274

The Nevada Department of Business and Industry Division of Industrial Relations (DIR) has issued a set of [frequently asked questions \(FAQ\) related to Senate Bill 274](#), a significant omnibus workers' compensation measure. Click [here](#) to view a summary of this bill included in the July 2023 legislative and regulatory update.

Changes related to SB 274 become effective Jan. 1, 2024. The new benefit penalty provisions will apply to claims where a C-4 Form is submitted on or after Jan. 1, 2024.

Texas

Rules adopted to implement House Bill 2314

On Nov. 22, the Texas Department of Insurance Division of Workers' Compensation (DWC) announced the adoption of rules to implement [House Bill 2314](#), which became effective on June 10.

These rules allow eligible beneficiaries to file claims for death benefits with DWC or an insurance carrier and clarify an insurance carrier's obligations for recordkeeping and notice to DWC. Existing rules require an insurance carrier to send a plain-language notice of potential entitlement to workers' compensation death benefits to a potential beneficiary. A new section requires the insurance carrier to copy DWC on that notice.

The information contained within this document is intended to provide summary level information on proposed or enacted laws related to family and medical leave. It is not intended to provide guidance on the application of these legal requirements or as an update to your company's attendance and/or leave policies. We recommend you consult with Legal Counsel to determine what changes, if any, should be applied to company policy.

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