

COVID-19 exposure investigation

With California passing a sweeping rebuttable presumption provision for coronavirus (COVID-19) workplace claims and other jurisdictions implementing or debating their own variations, burden of proof is shifting to the employer. If you are faced with a claim that warrants a defense, will you be prepared?

Under normal circumstances, an employee with a workers' compensation claim is responsible for proving their injury or illness occurred in the course of their job. Recent COVID-19 regulations in multiple states and jurisdictions have instead included rebuttable presumption provisions – essential workers required to report to a facility outside of their homes and then diagnosed with COVID-19 are presumed to have contracted the illness on the job, despite the fact that the coronavirus can be contracted anywhere. The burden of proof of medical causation is placed upon the employer.

Of course, caring for employees and maintaining a safe work environment is a priority; however there may be cases where employers feel a rebuttable presumption defense is reasonable. If you believe an employee was exposed to and contracted COVID-19 outside of work, then it must be proven. To be ready where and when defense is appropriate, employers should prepare in advance by putting the right tools in place and gathering supporting information. This may include COVID-19 exposure investigation behind the scenes.

A blended approach

Our adjusters and special investigation unit (SIU) work hand-in-hand to gather all relevant information for COVID-19 claims. Our investigative approach can be tailored to set the individual on the right path toward health and safety while also fully understanding the circumstances of their claim.

Customized SIU service package

Sedgwick's smart investigation package for COVID-19 includes:

- Social media investigation – This includes an extensive internet search using customized algorithms to search for keywords and postings specific to COVID-19. Social media platforms, professional networking websites and other sites are examined for activities or associations relevant to the investigation.
- Canvassing – This includes outreach to pharmacy and medical providers to confirm when or where an individual sought care, treatment or medications.
- Public records search – This includes an extensive search of public and proprietary record sources to identify relatives and associates to determine whom the claimant may have had contact with prior to diagnosis.
- Claim inquiry – This includes searches conducted by SSN, name, date of birth and state to identify other claims associated with the subject.

Questions for claims within rebuttable presumption jurisdictions

One proactive validation method to determine causation of the illness is exposure tracing. We can engage our team and technology to confirm work scheduling, identify who an infected individual

has come into contact with inside and outside your work environment, and learn more about symptoms, testing and treatment.

Substantial medical evidence is needed in order to rebut a presumption claim. Interviews can be conducted to complete background investigations and explore medical history, recent medical episodes and treatment.

Further questions may be warranted when investigating a COVID-19 claim under presumption laws. These could include inquiries into:

- When and how symptoms appeared
- Whether personal protective equipment was used and workplace safety guidelines were followed
- The possibility of other sources of exposure, including travel or proximity to others who are infected

If anything emerges that may support defense of a claim, Sedgwick's SIU will recommend obtaining a recorded statement and complete an AOE/COE (arising out of employment/course of employment) investigation, which can be done virtually.

Focusing on your employees' health

One of the best ways to guard against claims in this environment is to prioritize employee health and safety; establish the right precautions in the workplace to prevent infection. Sedgwick can offer many services to support your workforce, to ensure your facilities meet industrial hygiene standards and to help you set a standard of protection and care as you reopen, return and recover amid COVID-19.

COVID-19 exposure investigation is available a la carte or combined with our other back to business services. To learn more, contact:

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