



Florida Workers Compensation Claims for Housestaff Physicians Impacted by Covid-19

CIR housestaff physicians who test positive for COVID-19 or have otherwise been isolated/quarantined due to the virus, should take action to preserve all legal rights. Doctors impacted by the pandemic should receive tax-free compensation for any lost wages, and all medical expenses must be paid under Florida workers' compensation law, without co-payments of any kind; medical care should not be processed under group health policies.

To preserve their rights, housestaff physicians should provide notice, which can be oral or in writing, to their employer within 30 days of the exposure, diagnosis or quarantine. When providing such notice, it is important to follow the employer's procedures for reporting, if any. It is then the employer's obligation to file a First Report of Injury or Illness with their workers' compensation insurance carrier. Once the First Report of Injury is filed, medical coverage should be provided immediately, and reimbursement for lost wages should also begin within a reasonable time. While the workers' compensation system is fairly complex, all housestaff physicians should operate under a presumption that Covid-19 related medical needs, and lost wages, are covered under Florida Law.

Housestaff physicians should document the circumstances of their illness for their own records. For example, any dates of exposure to Covid-19 or to patients who displayed symptoms, but had not yet been tested, should be documented. In addition, dates and locations (such as ICU or other unit, specific floor, etc.) of your exposure should be recorded, as well as noting whether or not you were provided with adequate PPE.

Once the hurdles are cleared, coverage under Florida workers' compensation insurance for housestaff physicians who are either quarantined or diagnosed with COVID-19 should mean full coverage for medical care, with no co-payment and no out of pocket expenses, as well as full lost wage protection. Medical care and wage protection should be available throughout the virus and recovery. Further, in the worst-case scenario, death benefits should also be provided.

Complete documentation is critical from the start because PTSD and other secondary medical conditions may later arise and coverage for these conditions will likely be dependent upon what was originally disclosed.

CIR can connect injured housestaff physicians with a Florida workers compensation attorney should they need to file a report.

This COVID-19 Workers' Compensation advisory is intended for CIR Members only. This guidance is intended to be informational only and should not be construed as legal advice.

April 21, 2020