



New Jersey Workers Compensation Claims for Housestaff Physicians

CIR housestaff physicians who test positive for COVID-19 and become sick from the virus should take action to preserve their right to seek workers' compensation coverage for related medical expenses. Housestaff who are forced to use significant amounts of leave time as a result of becoming infected with the virus at the workplace can claim equitable relief for all benefits related to the illness allowed via New Jersey's Workers Compensation insurance program.

The affected house staff physician must notify their employer that they have become ill. If there is a specific form to be filed or procedure to be followed at the hospital, this should be followed to assure all is on record. The appropriate managerial person should also be notified. (A copy of the notice should be emailed to NJ_COVID-19workerscomp@cirseiu.org.) At that point, it is the employing hospital's obligation to file the first report of Accident/Incident with the State and to notify their workers' compensation insurance carrier.

The Employers' Workers Compensation insurance carrier authorizes treatment, except in cases where emergency treatment was required, and confirms the work relationship; if there is denial of benefits the employee can utilize their health insurance until the issue of compensability is resolved. While the burden of proof is on the housestaff physician to show the connection between exposure to the virus and their work, there is a minimal "more likely than not" standard that should not be difficult to meet in these instances. Information regarding whether the housestaff physician was provided with inadequate PPE and whether appropriate training was provided on how to use what PPE was given should be provided.

A housestaff physician is entitled to short term disability at a rate of 70% of gross income, which is capped at a maximum of \$945/week (While there is typically a 7-day waiting period for the award of short term disability, the waiting period has been waived). Any housestaff physician who suffers long-term health effects from COVID-19 as a result of their workplace exposure will be further tested and eligible to appear before a Workers Compensation judge and be tracked for medical care coverage for two years into the future.

CIR can connect injured house staff physicians with a New Jersey workers compensation attorney should they need to file a claim.

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.