



Committee of Interns and Residents

SEIU Healthcare®

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CA Workers' Compensation Claims for Housestaff Physicians

CIR housestaff physicians in California who test positive for COVID-19, whether or not they show symptoms, become ill, or lose time from work, should take action to preserve their right to seek compensation and coverage of related medical expenses should they become seriously ill.

California workers' compensation insurance provides both medical and monetary benefits. The medical benefits cover any necessary treatment related to COVID-19 and may continue for life regardless of whether/where you are employed in the future, subject to an order of a workers' compensation judge. Both physical and mental side effects of COVID-19 are covered. Temporary Disability benefits are also available to employees who are out of work for more than three days due to their illness or who have been hospitalized. Temporary disability payments are two-thirds of your average weekly earnings (capped at \$1299.43 a week) and are available for up to two years after the injury date. Employees with successful claims are also eligible for settlement if they develop a permanent impairment.

Housestaff who are infected at work or have tested positive, regardless of whether they show symptoms, should notify their supervisor and the hospital's Human Resources Department that they are ill from COVID-19 and state they contracted the virus at the hospital. As part of their notification, housestaff should request a DWC1 claim form. Housestaff should report their illness within 30 days of symptoms or notification of a positive test. If you are unable to get a form directly from your employer, you can download the form [online](#).

Once you have received a DWC1 form, you must fill in the top portion of the form and submit it to your employer. This will officially open your claim. You should make a copy of the DWC1 form for your own records. If you mail the DWC1 form to your employer, it is recommended you send the form via certified mail with a return receipt. If the form is emailed, you should keep copies of your correspondence in a safe and easily accessible place. Under California Law, there is a 1 year statute of limitations for filing a claim, which begins at either the date of first symptoms or the date you were notified of a positive test.

When completing the DWC1 claim form, housestaff should write "Exposed to COVID-19 via exposure to infected patients at ___ hospital on ___ dates" under "Injury Date". It is also recommended that you attach a report to the DWC1 form with the following information:

- Floor/unit/departments where you worked and were exposed to COVID-19
- The type of exposure you had (whether direct patient care or indirect)
- The PPE protocol you were following at the time of exposure

Any incident reports or forms provided to the hospital should also be emailed to CA_COVID-19workerscomp@cirseiu.org. CIR can connect housestaff physicians with a California workers' compensation attorney should they have any questions or need assistance in filing 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.