



NY Workers' Compensation Claims For Housestaff Physicians

CIR housestaff physicians who test positive for COVID-19, whether or not they show symptoms, become ill, or lose time from work, should protect their rights under the New York State Workers' Compensation Law (WCL).

The WCL provides for both monetary and medical benefits. The monetary benefit is allowed for anyone out of work for more than seven (7) days. If you are out of work and time is deducted from your sick or vacation allowance the law allows for a restoral of that time through the Workers' Compensation system. The medical benefits cover any necessary treatment and continues for life regardless of whether/where you are employed in the future. It is important to note that private health insurance may not cover a workplace-related illness or future medical expenses incurred as a result of COVID-19. Housestaff who are diagnosed with a mental health condition in connection with a Covid-19 infection or as a result of an extremely difficult work environment caring for Covid patients may also be able to recover medical expenses related to the care and treatment of such a condition.

A housestaff physician may be asymptomatic or feel that their symptoms are minor today, however, we do not yet know the long-term effects of COVID-19 infection. In light of that we are recommending that all housestaff physicians, whether or not they test positive, document the following:

- All dates of work and locations (unit such as ICU, etc...) where there was exposure to COVID-19 positive patients or patients that have not been tested but who showed symptoms of the virus.
- If you were forced to work without adequate PPE, the appropriate details should be documented, such as the types of PPE that were not provided or which were inadequate.

Housestaff physicians that do test positive should also immediately notify their direct supervisor and human resources office both orally and in writing, ideally no more than 30 days after receiving test results. Any forms required by the hospital should be filled out and provided to any supervisor or HR office. It is important that copies of all forms and correspondence be kept in a safe and easily accessible place.

The housestaff physician that tests positive should also file a claim form (C-3) with the New York State Workers' Compensation Board. The filing will protect your rights should any benefit ever be needed in the future. Under New York Law there is a two-year Statute of Limitations for filing a claim. The WCL provides for several dates as to when that begins. Without question it would, at the latest, begin when the housestaff physician first tests positive.

Any incident reports or forms provided to the hospital should also be emailed to NY_COVID-19workerscomp@cirseiu.org. CIR can connect housestaff physicians with a New York workers' compensation attorney should they have any questions or need assistance in filing a claim. There is no cost 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.

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