



STATE OF IOWA WORKERS' COMPENSATION COVID-19 QUICK GUIDE

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GENERAL PROVISIONS

When must an Employer's First Report of injury be filed? Within 4 days of knowledge of an injury causing temporary disability of more than 3 days, and within 4 days of an injury causing permanent disability.

What is the statute of limitations for the filing of an Employee's Claim? 2 years if no weekly benefits paid; or 3 years from the date of last payment of weekly benefits.

When must an Employer/Insurer file contesting issues? In the Answer to an arbitration petition filed with the Iowa Workers' Compensation Commissioner.

COMPENSABILITY

Under Iowa law, could COVID-19 be compensable as an occupational disease? Perhaps. But more likely than not it would be an "injury" and not an occupational disease.

Could COVID-19 be compensable as an accidental injury? See above. With regard to the question of compensability, a case involving COVID-19 is really no different than any other injury, which is to say that on the question of whether the injury was 'caused' by employment (i.e., arises out of employment), the doctor's opinion rules. If doc says that employee acquired COVID-19 at work (or if the employer concedes that point based on the employee's known exposure to someone who had it), then it is compensable. It would most likely be an 'injury' under Iowa Code Chapter 85 and not an 'occupational disease' under Chapter 85A

If a person contracted COVID-19 while traveling on business, would that result in a compensable claim?
Yes

If a person is injured while teleworking, would those injuries be compensable? Yes

Are psychiatric claims compensable for a person that has actually contracted COVID-19? Yes, so long as the employee can prove that a mental injury stems directly from contracting COVID-19.

If a person were merely fearful of contracting COVID-19 at work, could the person have a valid psychiatric claim? Probably not. In order to establish a psychiatric claim per se, an employee must show that he or she was subject to workplace stress that is greater than the day-to-day stresses experienced by other workers employed in the same or similar jobs regardless of the employer.

BENEFITS

If an employee is forced to quarantine as a result of a possible exposure at work, must TTD benefits be paid? Only if the employee is able to show (or the employer/carrier acknowledge) that the employee's own condition is compensable.

If COVID-19 were to be found compensable, what benefits might be due? TTD benefits for time missed from work. Unknown re PPD benefits; only if there is permanent impairment or restrictions resulting in a loss of earning capacity.

Must an employer/insurer pay for medical testing to rule out COVID-19? Generally, no, not as work comp benefits.

May an employer/insurer make voluntary medical payments without prejudice? Yes

If an employee is working on light duty as a result of a workers' compensation claim and there is a layoff due to the economic downturn or government-mandated closure, is the employee entitled to TTD? Yes, a layoff due to economic conditions does not end TTD; TTD would be payable until the employee reaches MMI, is capable of performing substantially similar employment, or returns to work, whichever occurs first

May an employer terminate medical benefits due to non-compliance with treatment as a result of fear of going to a health care provider during the pandemic? In Iowa, the employer/carrier may direct the medical care of an employee whose claim is compensable. The employer/carrier could withdraw authorization for medical care due to an employee's non-compliance with medical care. However, the employer/carrier should consider the basis for the employee's non-compliance; if it is due to fear of going to a doctor during the pandemic, and the employee later wishes to be seen, it should probably be authorized.

AREAS OF INQUIRY DURING COVID-19 INVESTIGATIONS

- Employee's job duties/length of employment
- Employee's symptoms/diagnosis/treatment/test results
- Employee's allegation regarding exposure (i.e., have co-workers/vendors/clients/patients tested positively?)
- Other possible sources of exposure (i.e., roommates/family/friends?)
- Recent travel (personal and/or business) – what/when/where/for how long/purpose
- Secondary employment
- Use of mass transit/public transportation/carpools
- Hobbies/recent events prior to diagnosis (e.g., concerts/sporting events/rallies)
- Social media activity
- Medical canvasses
- Experts (e.g., epidemiologists/infectious disease specialists/industrial hygienists)
- Results of governmental investigations (OSHA/CDC/local health authorities)
- Employer precautions (e.g., did the employer follow CDC guidelines, what other measures did employer take to prevent spread?)

HELPFUL LINKS

- [Iowa Workforce Development](#)
- [CDC Workplace Guidance](#)
- [Centers for Disease Control and Prevention – COVID-19](#)
- [EEOC's COVID-19 Page](#)

- [OSHA's COVID-19 Page](#)
- [OSHA's Guidance on Preparing Workplaces for COVID-19](#)
- [World Health Organization COVID-19 Updates](#)

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