



STATE OF MAINE WORKERS' COMPENSATION COVID-19 QUICK GUIDE

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GENERAL PROVISIONS

When must an Employer's First Report of injury to be filed? Seven (7) days after Notice.

What is the statute of limitations for the filing of an Employee's Claim form? Two (2) years.

When must an Employer/Insurer file contesting issues? Fourteen (14) days to accept/payment without prejudice/or denial with a Notice of Controversy.

COMPENSABILITY

Under Maine law, could COVID-19 be compensable as an occupational disease? Unlikely except for health care workers where a virus could be a "characteristic" of employment.

Could COVID-19 be compensable as an accidental injury? Possibly, but the "arise out of and in the course of" requirement would apply.

If a person contracted COVID-19 while traveling on business, would that result in a compensable claim? Application of Positional Risk (i.e. infected by exposure associated with business purpose).

If a person is injured while teleworking, would those injuries be compensable? Yes, if it arises out of and in the course of employment.

Are psychiatric claims compensable for a person that has actually contracted COVID-19? Yes, if the relationship between injury and psychiatric sequela exists.

If a person were merely fearful of contracting COVID-19 at work, could the person have a valid psychiatric claim? Very likely not. Exposure fear is compared to other employees and requires the claimants fear to be extraordinary.

BENEFITS

If an employee is forced to quarantine as a result of a possible exposure at work, must TTD benefits be paid? Without proof, the Employee contracted the disease at work, no clear and convincing standard.

If COVID-19 were to be found compensable, what benefits might be due? Medical bills and wages/death benefits.

Must an employer/insurer pay for medical testing to rule out COVID-19? Preventative measures are not covered.

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, likely.

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? Yes, but it would require significant noncompliance.

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

- [CDC Workplace Guidance](#)
- [Centers for Disease Control and Prevention – COVID-19](#)
- [EEOC's COVID-19 Page](#)
- [39-AM.R.S.A. §101 et seq.](#)
- [OSHA's COVID-19 Page](#)
- [OSHA's Guidance on Preparing Workplaces for COVID-19](#)
- [World Health Organization COVID-19 Updates](#)

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