About the workers’ compensation COVID-19 presumption

CHAPTER 72--H.F.No. 4537

An act relating to workers’ compensation; providing a presumption for COVID-19 workers’ compensation claims for certain employees; requiring a report; authorizing extension of the implementation date of the CAMPUS system; amending Minnesota Statutes 2018, section 176.011, subdivision 15.

The presumption covers:

• a licensed peace officer, firefighter, paramedic or emergency medical technician;
• certain workers employed at a corrections, detention or secure treatment facility;
• a health care provider, nurse or assistive employee employed in a health care, home care or long-term care setting, with direct COVID-19 patient care or ancillary work in COVID-19 patient units;
• a person required to provide child care to children of first responders and health care workers under Executive Orders 20-02 and 20-19.

Effective for workers contracting COVID-19 on or after April 8, 2020, through Dec. 31, 2021.

Approximately 183,000 workers are eligible for presumption coverage (estimated in March 2020).
About these claim counts

• The claims counts show the total number of claims with COVID-19 or coronavirus exposure given as a nature of injury.

• All claims submitted are included in the count of reported claims, ignoring lost-time status and acceptance or denial of benefits.

• Injury reports are received at three to four weeks, on average, after the date of illness.
  • The illness date is either reported by the worker or employer. It does not always correspond with the date of onset of symptoms.
  • Primary liability decisions generally arrive a week or two after the claim is reported
  • DLI continues to receive claims with illness dates from much earlier in the pandemic
23,068 claims reported through Oct. 4, 2021

Claims by month received

- All claims
- All non-CV claims 12 months prior
- Non-CV-19 claims
- CV-19 claims

Number of claims filed

Month claim reported

Oct. 13, 2021
Delta surge affecting presumption group claims

COVID-19 claims by presumption status and month reported

Presumption Non-presumption

Oct. 13, 2021
Few claims reported for all groups in June and July 2021

COVID-19 claims by month received and industry-presumption group

- Orange line: Health care
- Blue line: First responders
- Green line: Corrections
- Dashed line: Meat processing
- Purple line: All other workers

Graph showing the number of claims reported by month and industry group from March 2021 to September 2021, with a peak in January 2021.
Claims from health care establishments – 74%

COVID-19 claims filed by industry-presumption group

- Health care, 17,015
- All other industries, 2,554
  - Emergency response, 1,015
  - Corrections, 1,196
  - Meat processing, 1,013
Most industries have reported very few COVID-19 claims

Number of CV-19 claims by industry sector* as of October 4, 2021

<table>
<thead>
<tr>
<th>Industry Sector</th>
<th>Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health care and social assistance</td>
<td>17,118</td>
</tr>
<tr>
<td>Public administration</td>
<td>2,409</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1,226</td>
</tr>
<tr>
<td>Transportation and warehousing</td>
<td>498</td>
</tr>
<tr>
<td>Retail trade</td>
<td>355</td>
</tr>
<tr>
<td>Educational services</td>
<td>261</td>
</tr>
<tr>
<td>Real estate, rental and leasing</td>
<td>179</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>167</td>
</tr>
<tr>
<td>Administrative and support and waste management and…</td>
<td>165</td>
</tr>
<tr>
<td>Accommodations and food services</td>
<td>151</td>
</tr>
<tr>
<td>Other services</td>
<td>141</td>
</tr>
<tr>
<td>All other industry sectors</td>
<td>183</td>
</tr>
</tbody>
</table>

*North American Industry Classification System
Many types of health care industry workers are filing claims*

Number of CV-19 claims by occupation group* as of October 4, 2021

- Healthcare practitioners and technical occupations: 6,987
- Healthcare support occupations: 5,380
- Protective support occupations: 2,082
- Personal care and service occupations: 1,388
- Production occupations: 989
- Management occupations: 709
- Community and social service occupations: 701
- Building and grounds cleaning and maintenance occupations: 526
- Transportation and material moving occupations: 523
- Installation, maintenance and repair occupations: 489
- Food preparation and serving occupations: 439
- Office and administrative support occupations: 292
- All other occupations: 461

*Purple bars also include health care industry workers.

*Standard Occupation Classification. Occupation data unavailable for 2,102 claims.
Presumption group denial rates increased since July 2021

Denial rate by month reported by presumption status

Percentage of claims denied

- Non-presumption
- Presumption

Month claim reported

Oct. 13, 2021
Presumption status affects claim acceptance

• Ninety-five percent of accepted claims were in the presumption group.

• Non-presumption worker claims were 16% of all claims and 47% of denied claims.
Non-presumption claims are much more likely to be denied

- It may take a few weeks for insurers to report on claim acceptance or denial, so we have claims with no decision reported.

- For medical-only claims, we typically do not receive liability reports.
Among claims with a reported liability decision, the denial rate is five times higher for non-presumption workers.

Acceptance vs. denial by presumption status after presumption effective:

- Denied:
  - Non-presumption: 74%
  - Presumption groups: 15%

- Accepted:
  - Non-presumption: 26%
  - Presumption groups: 85%
Presumption status and workplace conditions affect denial rates

- Only 20 child care claims have been reported, so they are not shown as a group.
- Meat processing is shown separately from other non-preservation claims because they have not been paid.
No difference in average work disability duration

Estimated average weeks of work disability by presumption status

<table>
<thead>
<tr>
<th></th>
<th>Non-presumption</th>
<th>Presumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mean</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Median</td>
<td>1.5</td>
<td>1.5</td>
</tr>
</tbody>
</table>

Sum of weeks of total work disability by presumption status

<table>
<thead>
<tr>
<th></th>
<th>Non-presumption</th>
<th>Presumption</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>600</td>
<td>22,500</td>
</tr>
</tbody>
</table>
$15.6 million has been paid in indemnity benefits for claims after the presumption became effective.

- Indemnity benefits cover wage loss and permanent disability.
- Ninety-six percent of benefits were paid to presumption group workers.
- Ninety-three percent of paid benefits have been to cover wage loss from temporary total disability.
- Payments to 10,971 presumption workers and 290 non-presumption workers.

<table>
<thead>
<tr>
<th>Benefit Type</th>
<th>Non-presumption</th>
<th>Presumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Temporary Total Disability</td>
<td>$0</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Temporary Partial Disability</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Settlement</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Death</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

Oct. 13, 2021 16
Presumption did not affect indemnity benefits paid

Total indemnity paid by presumption status

<table>
<thead>
<tr>
<th></th>
<th>Mean</th>
<th>Median</th>
<th>Mean</th>
<th>Median</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-presumption</td>
<td>$1,400</td>
<td>$800</td>
<td>$1,000</td>
<td>$600</td>
</tr>
<tr>
<td>Presumption</td>
<td>$1,400</td>
<td>$800</td>
<td>$1,000</td>
<td>$600</td>
</tr>
</tbody>
</table>
Thank you

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