

STATE PRESUMPTIONS RELATED TO COVID-19

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Last revised on 6/24/2020

State & Method	Who it applies to	What is needed to trigger it?	Rebutting the Presumption	Effective Date
Alaska ¹ Legislation	Emergency response and health care employees <ul style="list-style-type: none"> • Firefighters • EMT's • Paramedics • Peace officers • Health care providers 	(1) Exposed to COVID-19 in the course of employment and (2) Receives a <ol style="list-style-type: none"> a. COVID-19 diagnosis by a physician, b. presumptive positive COVID-19 test result, or c. lab-confirmed COVID-19 diagnosis. 	Conclusive presumption (cannot rebut)	SB 241 was signed by the governor on 4/9/2020 but is retroactive to 3/11/2020 Only applies during the public health disaster emergency declared by the governor on 3/11/2020, as extended by the Act
California Governor's executive order	Workers	Any COVID-19 related illness of an employee shall be presumed to arise out of and in the course of employment if all of this is satisfied: <ol style="list-style-type: none"> 1. Employee tested positive for or was diagnosed with COVID-19 within 14 days after a day that 	Presumption can be disputed and may be controverted by other evidence, but unless so controverted, Work	5/6/2020, applying to dates of injury occurring

¹ [Bulletin 20-05](#) outlines the presumption

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		<p>the employee performed labor or services at the employees place of employment at the employer’s direction;</p> <ol style="list-style-type: none"> 2. The day in (1) above was on or after March 19, 2020; 3. The employee’s place of employment referenced in (1) and (2) was not the employee’s home or residence; and 4. If (1) is satisfied with a diagnosis, the diagnosis was done by a physician with a California licensed physician and surgeon license and the diagnosis is confirmed by further testing within 30 days of the date of the diagnosis. <p>An accepted COVID-19 related illness is eligible for all benefits applicable under the workers’ compensation laws of the state. Paid sick leave benefits specifically available in response to COVID-19 must be used and exhausted before any temporary disability is due and payable. No waiting period for temporary disability. (See order for more details on what temporary disability is due.)</p>	<p>Comp Appeals Board is bound to find in accordance with it.</p>	<p>through 60 days of the order.</p>
<p>Florida CFO Directive</p>	<p>“Frontline State Employee” includes:</p> <ul style="list-style-type: none"> • First responders (including law enforcement officers, firefighters, EMTs and paramedics) • Corrections officers 	<p>Tested positive for COVID-19 through a reliable method</p>	<p>Preponderance of the evidence that a Frontline State Employee contracted COVID-19 outside his or her scope of employment as a state employee</p>	<p>Eff. 3/30/2020</p> <p>Expires when it is rescinded by the CFO or superseded by an Executive Order of the Governor</p>

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	<ul style="list-style-type: none"> • State employees working in the healthcare field whose duties require contact with persons as they are being tested for COVID-19 or otherwise known to be infected with it • Child safety investigators, whose duties require them to conduct welfare checks on behalf of minors • Members of the Florida National Guard who are called to active duty for service in the State of Florida in response to COVID-19 			
<p>Illinois (repealed) Emergency Rule</p>	<p>First Responders and Front-Line Workers</p> <ul style="list-style-type: none"> • Police • Fire personnel • EMT's 	<p>The injury or period of incapacity resulted from exposure to the COVID-19 virus during a COVID-19-disaster proclamation</p>	<p>Rebuttable</p>	<p>REPEALED ON 4/27/2020 after legal challenges were filed.</p>

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	<ul style="list-style-type: none"> • Paramedics • First responders • Health care providers engaged in patient care • Correction officers • Crucial personnel identified under specified headings an Exec. Order 2020-10 – essentially workers of essential businesses and operations except for media 			Eff. 4/16/2020 Only applied during a COVID-19-related state of emergency and it was only effective for a maximum of 150 days
Illinois Legislation	Firefighter or police officer	Death Contracted COVID-19 on or after March 9, 2020, and on or before December 31, 2020 Has a (i) a confirmed positive laboratory test for COVID-19 or COVID-19 antibodies or (ii) a confirmed diagnosis of COVID-19 from a licensed medical professional Does not apply if the policeman or fireman was on a leave of absence from his or her employment for a period of 14 or more consecutive days immediately prior to the date of contraction.	Rebuttably presumed	Enacted 6/5/20

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		Date of contraction is the date diagnosed with COVID-19 or the date they were unable to work due to symptoms that were later diagnosed as COVID-19, whichever occurred first.		
Illinois Legislation	First responder or front-line worker <ul style="list-style-type: none"> • Police • Fire personnel • EMT • Paramedics • All individuals employed and considered as first responders • All workers for health care providers, including nursing homes and rehab facilities and home care workers • Corrections officers • Any individuals employed by essential business operations as defined in Executive Order 2020-10 dated 3/20/2020, as long as individuals employed by 	Exposure or contraction of COVID-19 For diagnoses occurring on or before 6/15/20, an employee must provide a confirmed medical diagnosis by a licensed medical practitioner or a positive lab test for COVID-19 or for COVID-19 antibodies. For diagnoses on or after June 15, 2020, an employee must provide a positive lab test for COVID-19 or for COVID-19 antibodies. Does not apply if employee’s place of employment was solely the employee’s home or residence for a period of 14 or more consecutive days immediately prior to the employee’s injury, OD, or period of incapacity resulted from exposure to COVID-19 <i>Note:</i> Allows for credit against liability for TTD for certain sick leave benefits, extended salary, emergency leave, and any other federal law.	Rebuttable by evidence including, but not limited to: (1) The employee was working from his or her employment, or some combination thereof, for a period of 14 or more consecutive days immediately prior to the injury, OD, or period of incapacity from exposure to COVID-19; or (2) The employer was engaging in and applying to the fullest extent possible or enforcing to the best of its ability industry-specific workplace sanitation, social distancing, and health and safety practices based on updated	Enacted 6/5/20 Applies to all cases tried after the effective date of the act and in which the diagnosis of COVID-19 was made on or after 3/9/2020 and on or before 12/31/2020.

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	<p>essential businesses and operations are required by their employment to encounter members of the general public or to work in employment locations of more than 15 employees</p> <ul style="list-style-type: none"> • For purposes of this statute, an employee’s home or place of residence is not a place of employment, except for home care workers 		<p>guidance issued by the CDC or Illinois Department of Public Health or was using a combination of administrative controls, engineering controls, or PPE to reduce the transmission of COVID-19 to all employees for at least 14 consecutive days prior to the employee’s injury, OD, or period of incapacity resulting from exposure to COVID-19. “Updated” = guidance in effect at least 14 days prior to the COVID-19 diagnosis. PPE = industry specific equipment worn to minimize exposure to hazards that cause illnesses or serious injuries, which may result from biological, chemical, radiological, physical, electrical,</p>	

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			mechanical, or other workplace hazards. It includes, but isn't limited to face coverings, gloves, safety glasses, safety face shields, barriers, shoes, earplugs or muffs, hard hats, respirators, coveralls, vests, and full body suits. (3) Employee was exposed to COVID-19 by an alternate source	
Michigan (first rule, superseded) Emergency rule	Specified first responders, including certain <ul style="list-style-type: none"> • Health care workers, • Police officers, • Firefighters, • Patrol officers, • On-call members of certain fire departments, • Volunteer civil defense workers, • EMT's, and • Ambulance drivers 	First responder meets one of the following: <ul style="list-style-type: none"> • Is quarantined at the direction of the employer due to confirmed or suspected COVID-19 exposure. • Receives a COVID-19 diagnosis from a physician. • Receives a presumptive positive COVID-19 test • Receives a laboratory-confirmed COVID-19 diagnosis 	Not rebuttable	Eff. 3/18/2020 Superseded by new emergency rule on 3/30/2020

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<p>Michigan (second rule, superseded by Executive Order) Emergency rule</p>	<ul style="list-style-type: none"> • Persons working in ambulance operations, advanced mobile emergency care services, county medical care facilities, emergency services, emergency medical services, homes for the aged, hospices, hospitals, or nursing homes • Persons working in a home health agency or visiting nurse assoc. • Physicians, PA's, nurse, EMT's, paramedics, and respiratory therapists • Police officers, including state police • Firefighters • On-call members of a life support agency 	<p>Diagnosed with COVID-19, whether by a physician or as a result of a test.</p>	<p>“Unless proven otherwise” the claim is compensable</p>	<p>Eff. 3/30/2020 Suspended in the June 17, 2020 executive order (see below)</p>

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	<ul style="list-style-type: none"> • Members of emergency rescue team • Correctional officers 			
<p>Michigan</p> <p>Executive Order</p>	<p>A COVID-19 response employee, defined as an employee whose job responsibilities require them to have regular or prolonged contact with COVID-19 in the course of their employment. A list is offered for who this includes:</p> <ul style="list-style-type: none"> • A person required to report to work at an ambulance operation, county medical care facility, emergency response service, home for the aged, hospice, hospital, or nursing home • A person working in a home health agency • Any person working as a physician, physician assistant, licensed practical 	<p>Confirmed as COVID-19 positive on or after March 18, 2020, either by physician or by test</p>	<p>Rebuttable by specific facts to the contrary</p>	<p>First order was effective 6/17/2020. It was revised 6/18/2020</p> <p>Terminates at the end of the emergency declaration or at the end of any subsequent states of disaster or emergency arising from COVID-19, whichever comes later.</p>

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	<p>nurse, registered professional nurse, medical first responder, nurse, EMT, EMT specialist, paramedic, or respiratory therapist who is required to provide in-person medical care to patients</p> <ul style="list-style-type: none"> • A law enforcement officer • A motor carrier officer within the Michigan Department of State Police • A firefighter • A member of an emergency rescue team • A volunteer civil defense worker • An on-call member of a life support agency 			

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Minnesota Legislation	<ul style="list-style-type: none"> • Police officers; • Firefighters; • Paramedics; • Emergency medical technicians; • Nurses, health care workers, correctional officers, and security counselors employed by the state or a political subdivision at a corrections, detention, or secure treatment facility; • Health care providers, nurses, and assistive employees employed in a health care, home care, or long-term care setting, with direct COVID-19 patient care or ancillary work in 	A positive lab test for COVID-19 or, if a laboratory test was not available, a documented diagnosis by the employee’s licensed physician, licensed physician’s assistant, or licensed APRN, based on the employee’s symptoms.	The employer/insurer may rebut the presumption by showing that employment was not a direct cause of the disease.	Eff. 4/8/2020 ² Sunsets 5/1/2021

² Workers who are not covered by the bill, or who contracted COVID-19 before this day, may still file a claim for an injury or occupational disease, but, in those claims, the worker has the burden of proof.

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	<p>COVID-19 patient units; and</p> <ul style="list-style-type: none"> Workers required to provide childcare to first responders and health care workers under specified Executive Orders. 			
<p>Missouri Emergency rule</p>	<p>First responders</p> <ul style="list-style-type: none"> Law enforcement officers Firefighters EMT's 	<p>Contracted or is quarantined for COVID-19.</p> <ul style="list-style-type: none"> Includes situations where the First Responder is quarantined at the direction of the employer due to suspected COVID-19 exposure, or the display of any COVID-19 symptoms, or receives a presumptive positive COVID-19 test, or receives a COVID-19 diagnosis from a physician, or receives a laboratory-confirmed COVID-19 diagnosis. 	<p>If subsequent medical determination establishes by clear and convincing evidence that the First Responder did not actually have COVID-19, or contracted or was quarantined for COVID-19 resulting from exposure that was not related to the First Responder's employment.</p>	<p>Adopted 4/8/2020</p> <p>Eff. 4/22/2020 but allows for retroactive application.</p> <p>Expires when the state of emergency ends or when the emergency rule expires (2/1/2021)</p>
<p>New Hampshire Governor's emergency order</p>	<p>"First Responders" which includes any individual covered by the definition of "Emergency response/public safety worker" as set forth in RSA 281-A:2 V-c. As such, it is:</p>	<p>Positive lab test for COVID-19, and having the case reported to Department of Health and Human Services</p>	<p>Rebuttable – prima facie presumption that exposure and infection were occupationally related</p>	<p>Initial order signed 4/24/2020, amended order signed 6/17/2020. Both are in effect for the duration of</p>

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	<ul style="list-style-type: none"> • Call, volunteer, or regular firefighters • Law enforcement officers certified under RSA 106-L • Certified county corrections officers • Rescue or ambulance workers including ambulance service, emergency medical personnel, first responder service, and volunteer personnel <p>Emergency Order #53 amended the initial order, and it also includes any member of the New Hampshire National Guard ordered into active state service pursuant to RSA 110-B:6.</p>			the State of Emergency declared in 2020-04.
<p>New Mexico</p> <p>Governor’s executive order</p>	<p>All agency employees and any volunteer or contractor temporarily assisting the State during the COVID-19 public health emergency who is otherwise eligible for compensation under</p>	<p>Contract COVID-19 within two weeks of providing direct assistance or care to COVID-19 patients, or within two weeks of working in any capacity in a facility that provides direct assistance, care, or housing to COVID-19 patients</p>	<p>Not explicitly stated</p>	<p>Eff. 4/23/2020, in effect until rescinded by the Governor</p>

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	<p>the New Mexico Occupational Disease Disablement law.</p> <p>The order provides some examples of employees who should be afforded this presumption:</p> <ul style="list-style-type: none"> • EMT’s • Administrative and custodial staff at COVID-19 specific care centers • Law enforcement officers <p>Encourages local government employers and/or insurers to adopt the presumptions that this Order requires of State employers and insurers</p>			
<p>Utah</p> <p>Legislation (may be replaced – see HB 5006, which passed both chambers on</p>	<p>“First responders” defined as:</p> <ul style="list-style-type: none"> • Emergency responders as defined in 29 C.F.R Part 826, Subpart C • Health care providers as defined 	<p>A positive lab test for COVID-19 and a diagnosis of COVID-19 by a physician if the diagnosis is made while employed or serving as a first responder; or if the first responder’s employment or service terminates, within two weeks from that termination.</p> <p>Presumption will not apply if the first responder refuses examination or fails to be diagnosed with COVID-19.</p>	<p>Preponderance of the evidence</p>	<p>Eff. 4/22/2020</p> <p>May be replaced – see HB 5006, which passed both chambers on 6/18/2020, and went to the</p>

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6/18/2020 and went to the Governor for signature. That bill, described below, redefines “first responders”)	in 29 C.F.R Part 826, Subpart C	Death benefits are only payable if a claimant establishes by competent evidence that death was a consequence of or a result of COVID-19. Special provision about responsibility for volunteers and first responders with more than one entity.		Governor for signature
Utah Pending Legislation (HB 5006)	“First responders” defined as: <ul style="list-style-type: none"> • Law enforcement officer • EMT and advanced EMT • Paramedic • Firefighter • Dispatcher • Correctional officer • An individual employed by: <ul style="list-style-type: none"> ○ A health care facility (defined) ○ An office of a physician, chiropractor, or dentist 	A positive lab test for COVID-19 and a diagnosis of COVID-19 by a physician if the diagnosis is made while employed or serving as a first responder; or if the first responder’s employment or service terminates, within two weeks from that termination. Presumption will not apply if the first responder refuses examination or fails to be diagnosed with COVID-19. Death benefits are only payable if a claimant establishes by competent evidence that death was a consequence of or a result of COVID-19. Special provision about responsibility for volunteers and first responders with more than one entity.	Preponderance of the evidence	This legislation passed both chambers on 6/18/2020 and, as of 6/24/2020 it was awaiting signature by the Governor

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	<ul style="list-style-type: none"> ○ A nursing home ○ A retirement facility ○ A home health care provider ○ A pharmacy ○ A facility that performs laboratory or medical testing on human specimens, or ○ An entity similar to the entities listed in this list ● An individual employed by working with, or working at the direction of a local health department, or ● A volunteer providing services 			

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	to a local health department in accordance with their law on volunteer government workers			
Wisconsin Legislation	First responders (an employee or volunteer for an employer that provides firefighting, law enforcement, medical or other emergency services, and who has regular direct contact with, or is regularly in close proximity to, patients with COVID-19, or other members of the public requiring emergency services within the scope of the individual's work for the employer.)	COVID-19 diagnosis by a physician or a positive COVID-19 test	Rebuttable with specific evidence the injury was caused by something outside of the first responder's work for the employer	Eff. 4/17/2020 during the Public Health Emergency proclaimed by the Governor and ending 30 days after that order ends

Other state action that expands compensability or benefits for COVID-19:

Arkansas: Governor issued an **executive order** broadening the standards of compensability, allowing for first responders, frontline healthcare workers, and the National Guard to obtain compensable COVID claims if they are diagnosed with the condition from exposure at work.

- Who?
 - **First responders** (fire, law enforcement, emergency response, emergency medical professionals, and others who in an early stage of an incident are responsible for the protection and preservation of life, property, evidence, and the environment);
 - **Front-line healthcare workers** (those who treat, diagnose, care, or mitigate COVID-19, assess or care for an individual with a confirmed or suspected case of COVID-19, or are otherwise determined to mitigate COVID-19 consistent with the order; and
 - **Arkansas National Guard Soldiers and Airmen on Stat Active Duty**
- What must be show? **Worker must demonstrate** a causal connection between their diagnosis of COVID-19 and exposure to COVID-19 as a result of their employment or occupation. Claims due to exposure must be incurred in employment and not due to exposure outside the line of duty.
- Effective date
 - Executive order signed [4/13/2020](#) (more narrow than above) and [4/21/2020](#) but effective as of the date of the 20-03 Executive Order (3/11/2020).
 - Automatically expires when state of emergency is terminated or at some other time as the Governor may direct in subsequent Executive Order.
- Another executive order issued on [6/15/2020](#). This order included:
 - Clarification that COVID-19 is an occupational disease,
 - Replacement to the definition of “unusual and unpredicted incident” from the prior executive order, explaining that it includes exposure to COVID-19 as a respiratory accident or incident that may be found to have been the major cause of the physical harm, and
 - An explanation that COVID-19 is an exception to the prohibition in their code on compensation for ordinary diseases of life to which the general public is exposed.

Kentucky: Governor issued an [executive order](#) relating to TTD entitlement only. [Commissioner provided guidance](#) on 4/15/2020.

- An employee removed from work by a physician due to occupational exposure to COVID-19 shall be entitled to TTD during the period of removal, even if the claim is ultimately denied.
- For there to be exposure, there must be a causal connection between the conditions under which the work is performed and COVID-19, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment.

- Removal from work by a physician presumed occupational for healthcare employees, first responders, corrections officers, military, National Guard, domestic violence shelter workers, child advocacy workers, rape crisis center staff, Department of Community Based Services workers, grocery workers, postal service workers, and childcare workers.
- Commissioner clarified TTD benefits payable under the order are subject to offset from FMLA and unemployment benefits.
- Commissioner also explained the employer may not deny benefits without a good faith basis for denial. For example, if a grocery worker's spouse tests positive for COVID-19 and the worker is removed from work solely due to that exposure, the employer may deny the claim since the evidence rebuts the presumption that the exposure was occupational.

North Dakota: [3/25/2020 Executive Order 2020-12](#) expanded workers' compensation coverage so it includes COVID-19 for first responders, front line health care workers, firefighters, peace officers, correctional officers, court officers, law enforcement officer, EMT, or individual trained and authorized by law or rule to render emergency medical assistance or treatment. On [4/16/2020 Executive Order 2020-12.1](#) extended workers' comp coverage to funeral directors and funeral home workers. Eligibility requires a positive COVID-19 test, and that **the worker** demonstrate that the infection resulted from work-related exposure.

Washington: Policy from L&I:

- If work activities result in a probable exposure to the virus and certain criteria are met, COVID-19 may be compensable. The worker's occupation must have a greater likelihood of contracting the disease because of the job. Examples are noted as first responders or health care workers.
- In addition, [L&I reported](#) it will accept claims of health care workers and first responders who are quarantined after being exposed to COVID-19 on the job, but this specific benefit is time-limited, and no benefits will be paid after quarantine ends unless the worker develops COVID-19.

Wyoming – On May 20, 2020, SF1002 revised the definition for an “injury” under their workers' compensation law. Under Wyoming law, an “injury” does not include any illness or communicable disease unless the risk of contracting the illness or disease is increased by the nature of the employment. The legislation revised the definition to explain that, for the period of January 1, 2020 through December 30, 2020, if any employee in an employment sector for which coverage is provided by this act is infected with the COVID-19 Coronavirus, it shall be presumed that the risk of contracting the illness or disease was increased by the nature of the employment.