



July 1, 2020

To: Management-Labor Advisory Committee
From: Sally Coen, Acting Administrator
Subject: Examples of denial language for COVID-19 claims

At the June 30 meeting, members asked for examples of language insurers and service companies are using in their notices of denial of claims related to COVID-19. A copy of the denial (for both disabling and nondisabling claims) must be provided to the division within 14 days of the insurer decision.

OAR 436-060-0140 (8)(a) requires the notice of denial: "...specify the factual and legal reasons for the denial, including a specific statement indicating if the denial was based in whole or part on an independent medical examination under ORS 656.325."

Below are some examples of denial language we have seen to-date. Note that notices of denial are also required to include specific appeal language (*see* Workers' Compensation Board rule OAR 438-005-0055). We did not include the appeal language for the sake of brevity.

After a thorough review of your above-referenced claim for COVID19, I have insufficient medical evidence to support that your condition is compensably related to occupational exposures. Without waiving other defenses, we respectfully deny your claim for COVID19.

No repayment of your benefits is required, additionally we will pay all bills, related to treatment of COVID, through the date of this denial.

This denial is not based in whole or in part on an independent medical examination under ORS 656.325. Oregon law requires the following language:

[REDACTED] is the third party administrator that processes workers' compensation claims for **[REDACTED]** and their insured **[REDACTED]**. We are in receipt of a worker's compensation from due to potential exposure to COVID 19. Subsequent testing confirmed there was no workplace exposure to COVID 19; therefore, we respectfully deny your claim because you did not experience a work-related injury or illness per ORS chapter 656. An IME was not performed prior to issuance of this denial.

I am required to send this notification to you both certified and regular mail with your rights outlined to you as follows: You have a right to request a hearing under ORS 656.283.

We must notify you that we will be unable to accept your claim. Our denial is based on the fact it does not appear your condition was worsened by or arose out of and in the course of your employment, either by accident or occupational disease, within the meaning of the Oregon Workers' Compensation Law. Oregon law requires we inform you of the following:

You filed a claim for an injury described as exposure to Covid 19 secondary to work exposure on 4/7/20, which you claim occurred on or about April 07, 2020, while you were employed at [REDACTED]. Unfortunately, we are unable to accept your claim for the following reasons:

Your injury is not compensably related to your employment.

Despite this denial, [REDACTED] will pay the following bill for you at the workers' compensation fee schedule rate on a diagnostic basis:

Date of service	Service	Location of visit
04/08/2020	Office visit & Covid 19 Testing	[REDACTED]

You filed a claim for an injury described as COVID19, which you claim occurred on or about March 17, 2020, while you were employed at [REDACTED]. Unfortunately, we are unable to accept your claim for the following reasons:

Your injury has not resulted in any treatment or disability.

This is not to be construed as a waiver of any other defenses to the claim.

You filed a claim for exposure to covid-19, which you believe occurred on or about March 23, 2020, while you were employed with [REDACTED]. Unfortunately, we are unable to accept your claim for the following reasons:

There is insufficient evidence that your exposure is compensably related to your employment.

We received your claim for COVID-19. You tested negative for COVID-19. Therefore, we deny your claim.

We must notify you that we will be unable to accept your claim for COVID19 exposure due to your negative test. Our denial is based on the fact it does not appear your condition was worsened by or arose out of and in the course of your employment, either by accident or occupational disease, within the meaning of the Oregon Workers' Compensation Law. Oregon law requires we inform you of the following:

We have received your claim for COVID 19 exposure. We must notify you that we will be unable to accept your claim. Our denial is based on the information received that you had no symptoms, were not tested nor received medical treatment arising out of and in the course of your employment, either by accident or occupational disease, within the meaning of the Oregon Workers' Compensation Law. Oregon law requires we inform you of the following:

We received your workers' compensation claim from for a 3/05/2020 potential corona virus exposure.

After the completion of our investigation it has been determined that there is insufficient evidence to support that a medical condition arose out of or in the course of your employment with [REDACTED] and as a result this claim is denied.

This denial was not based in part upon an independent medical examination.

We are the workers' compensation administrator for [REDACTED]. We are in receipt of your claim for work-related conditions. We must notify you that we are unable to accept your claim. There is insufficient evidence that your reported injury is the material or major cause of disability or need for medical treatment. Without waiving any issues of compensability, we respectfully deny your claim.

This decision was not based in whole or in part on an insurer ordered medical exam.

The information we have received to date is insufficient to support a finding that you have sustained a compensable injury or occupational disease arising out of and in the course and scope of your employment with the above-named employer.