

**Presentation by
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To the Management Labor Advisory Committee
July 2, 2020**

Thank you for taking time to dive into the workers' compensation system's response to the coronavirus. We want to provide our understanding of coverage for COVID-19 under existing Oregon law, our approach to processing claims, and our detailed claims data. Today we will be listening to the testimony to identify any problems or gaps in the system and will work with MLAC and stakeholders to brainstorm solutions to address those identified problems.

We are committed to making benefits easy to access and ensuring that workers who are injured or experience illness at work get the benefits they deserve.

While SAIF insures more than 54% of Oregon businesses, we can only speak to our own experiences related to coverage, claims processing, and data. In Oregon, COVID-19 is a covered condition, when work-related. SAIF treats COVID-19 as an injury, not a disease, because the exposure and subsequent onset of the condition occurs during a discrete period, and because this creates an accessible material cause standard when addressing the compensability of a claim. SAIF accepts both claims for exposure and for illness.

In processing these claims, SAIF seeks to determine if the exposure occurred at work, applying learnings from public health authorities about transmission. For workers who come into contact with an infected customer or patient at work, SAIF generally accepts the claim and pays benefits. Workers' compensation benefits in Oregon are quite robust, and payments can include time loss for quarantine or time off sick, diagnostic and treatment-related medical services, permanent disability, and, in the event of a fatality, payments to beneficiaries.

For workers with no known work exposure to someone sick, or with a primary off-work exposure, SAIF seeks additional information from the employer and the worker and will sometimes request a medical opinion to learn the likely cause of the condition. If it appears the transmission occurred at work, SAIF accepts the claim and pays benefits. Overall, where the laws and rules are silent or permissive, SAIF is making decisions that favor the worker. It has been interesting to note that our standard practice goes beyond even some of the presumptions in other states.

As of last Friday, we have received 553 COVID-related workers' comp claims. More than 90% are from healthcare and residential care workers, while 4% are from first responders. 30 claims came from all other industries combined. Some are exposure-only claims made by workers who are still healthy. One trend we are seeing now is repeat quarantine-only claims from workers where policyholders ask employees to quarantine due to known exposure, but without testing those workers.

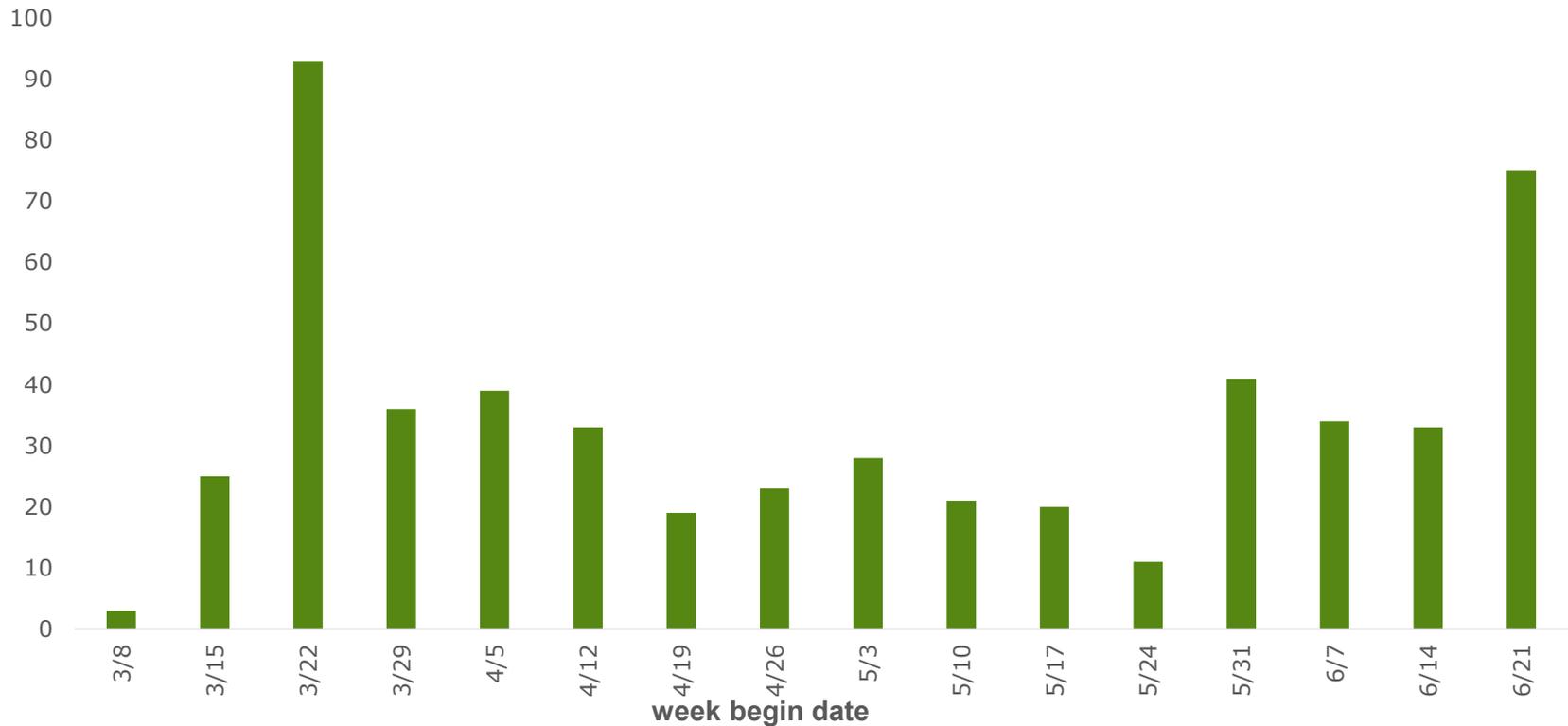
For symptomatic workers, we're finding that most have access to testing now, with improvements in testing availability. About two-thirds of the workers who filed claims were tested, and about a quarter of those tests were positive.

Of the COVID-19 claims that have been processed, SAIF has accepted 87% and denied 13%. The denied claims are primarily for workers that had no known exposure at work and did not have a positive test. SAIF has denied four claims for workers who tested positive. One was exposed in the home to a known-positive individual and became symptomatic two days prior to the first claimed work-related exposure. The second also lived with an individual who was ill for some time before he became symptomatic, an exposure public health authorities notified the worker about. The last two claims are for workers who did not have a known work exposure to a positive COVID-19 source. Often, we pay time loss or medical benefits in denied claims. We've now paid benefits in 70% of denied COVID-19 claims. So far, workers and policyholders have understood SAIF's claims decisions, and there are no pending appeals or disputes.

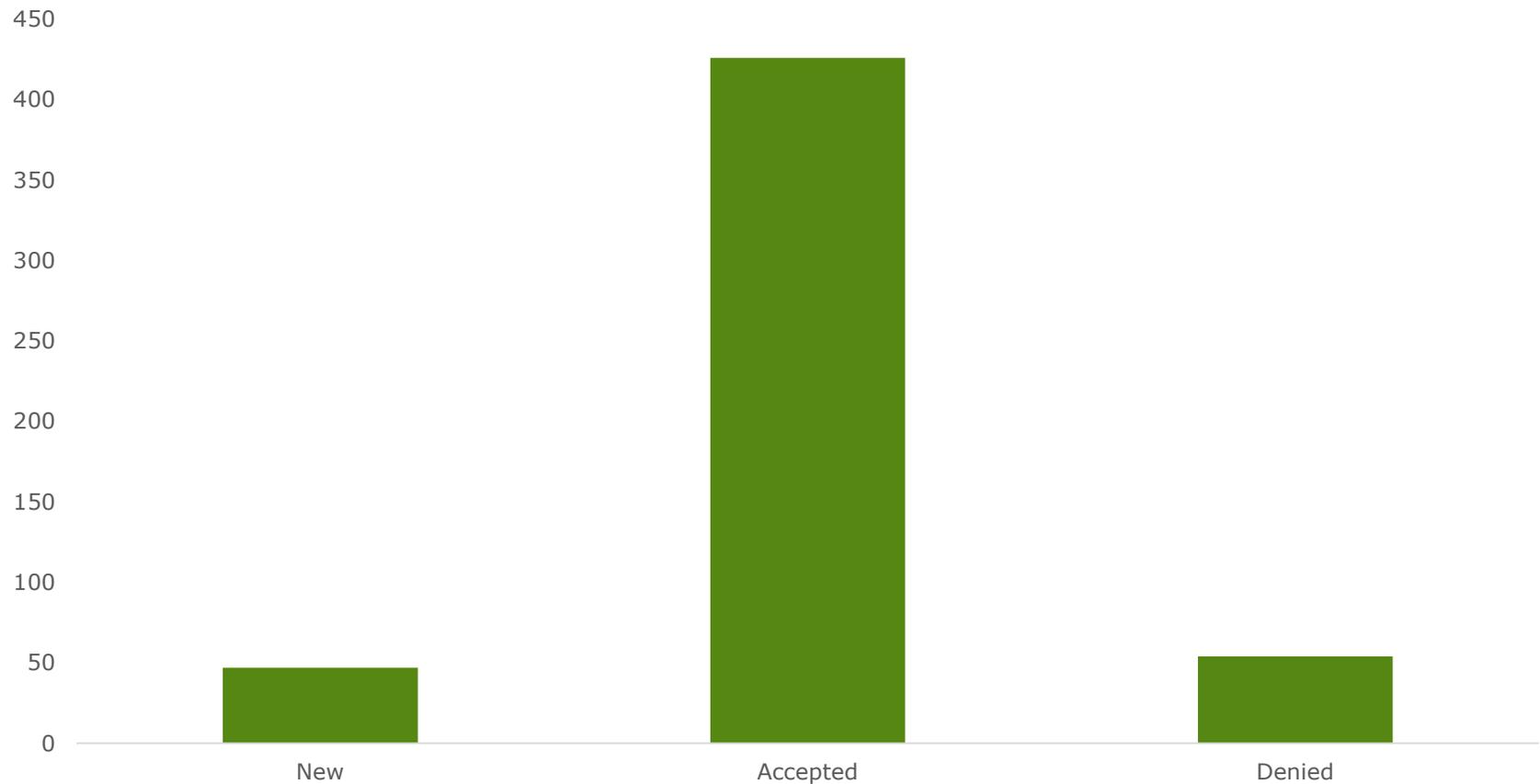
We understand there are questions about why we haven't seen more claims than we have, especially in non-healthcare workplaces like food processors or agriculture. When we learn about a workplace outbreak at one of our policyholders, we usually reach out to make sure the employer knows that COVID-19 is a covered condition if work-related, and to see if there are any claims that should be filed. When claims haven't been filed, most often there is a key factor that causes employees to tie their conditions to off-work exposure, and not to work, like a group of workers becoming ill before they came to work. Sometimes, policyholders share they are covering benefits for quarantine or exposure only claims with other leave types, such as federal sick leave. We ask employers to help us educate workers, so that work-related conditions are treated appropriately.

SAIF takes our mandate to serve workers and policyholders during this time very seriously. We would be happy to share any additional information about experiences that may help this committee in its efforts. Thank you for your time. We are happy to answer any questions.

COVID-19 claims through 6/26



COVID-19 claims by status through 6/26



Claim count by industry through 6/26

