

NYS Workers' Compensation Board COVID-19 Response

Since the beginning of New York State's COVID-19 response, the New York State Workers' Compensation Board (Board) has continued to issue important guidance regarding reporting and procedural changes needed to protect the safety of the public and Board staff, address challenges that stakeholders may be having, and keep the Board operating smoothly during the pandemic. Over the past few months, the Board has clarified key issues related to COVID-19 for workers, health care providers, insurers, and others who participate in the workers' compensation system. The Board has also ensured that information continues to flow to the public. There are new online videos and training sessions that explain the benefits that may be available to workers related to COVID-19, and how to apply. Below is a summary of the Board's most recent COVID-19 response actions, along with links to more detailed information. As the situation continues to evolve, please watch the Board's [website](#) for updates. You can also sign up to receive email or text [notifications](#).

COVID-19 & Workers' Compensation Q&A

In June 2020, the Board released the comprehensive [COVID-19 & Workers' Compensation Q&A](#) document to answer a number of questions regarding COVID-19 exposure at work. The top question the Q&A addresses is whether employees can receive workers' compensation benefits if they contract COVID-19 while working. The answer is yes. Depending on the facts, workers may receive workers' compensation benefits in New York State due to contracting COVID-19 while working.

The Q&A document also covers what happens when claims are filed, the benefits available, what information is needed to show that a COVID-19 claim is work-related, how to file a claim, and the help that is available for workers. The answers in this document provide important information for workers and their families. The Q&A document is available in multiple languages at [wcb.ny.gov/covid-19](#).

Medical Director's Office (MDO) Guidance Regarding COVID-19

Chair Clarissa M. Rodriguez and the Board's new Medical Director, Brian Gordon, M.D., released a [bulletin](#) on June 26, 2020, with important guidance for workers, health care providers and insurers regarding COVID-19. This bulletin explains what COVID-19 is, lists the categories of illness and known symptoms, explains the clinical progression of the disease in those with severe illness, and lists the groups who are at highest risk.

Additionally, the MDO bulletin provides guidance regarding the testing of workers, and what is needed for a valid

diagnosis. The bulletin also covers the use of various medications and therapies to treat COVID-19, including those that are not recommended. It concludes with a message to medical providers about the crucial role they play in COVID-19 claims, and the importance of accurately documenting work exposure, so that workers receive the proper benefits. The complete guidance is available on the Board's [website](#).

Telemedicine Option Extended

At the beginning of the COVID-19 pandemic, Chair Rodriguez adopted emergency amendments allowing telemedicine and telephonic visits in certain circumstances for social distancing purposes. On July 20, 2020, Chair Rodriguez adopted [amendments](#) that extend the use of these visits for another 90 days. The requirements and telemedicine billing codes are detailed on the Board's [website](#).

Reimbursement for COVID-19 Testing

Chair Rodriguez has adopted an emergency amendment that extends the allowance of reimbursement for COVID-19 testing when an employee files a claim for workers' compensation benefits due to exposure at work. The amendment adopted on August 17, 2020, is effective for 90 days. It allows for reimbursement only when there is a claim for workers' compensation due to a COVID-19 infection as a result of a workplace exposure or when testing for COVID-19 is administered as part of a required pre-operative testing protocol in accordance with Department of Health guidance. More detailed information on the amendment and billing codes can be found on the Board's [website](#).

Virtual Hearings Keep Hearings Safe and on Schedule

The Board's state-of-the-art virtual hearings have proven to be critical in response to the COVID-19 pandemic. They have allowed the Board to continue holding workers' compensation hearings, without interruption. Since moving to 100% remote attendance in mid-March, the Board has held approximately 800 hearings a day. Keeping hearings on schedule is vital to injured workers because it ensures that there is no delay in the benefits they rely on to support their families.

Virtual hearings are also protecting the public and Board staff by helping to prevent the spread of COVID-19. Providing participants with the means to attend their hearings remotely using a computer or mobile device was originally conceived as a way to conduct hearings more efficiently. However, since the start of the COVID-19 pandemic, this technology has provided a way for the system to continue operating, while following social distancing guidelines. In addition, Workers' Compensation Law Judges can conduct hearings remotely while telecommuting, further reducing the risk.

Injured workers can still choose to appear by phone by calling **(844) 337-6301**.

Complete details on how to attend a hearing remotely are available on the Board's [virtual hearings](#) page.

COVID-19 Quarantine Leave

The Board continues to play a significant role in the administration of COVID-19 quarantine leave. Thanks to a law passed in April by Governor Cuomo, workers are guaranteed job protection and pay in the event they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19.

Most employees will get financial compensation by using a combination of benefits, which may include employer-provided paid sick leave (depending on the size and annual net income of the employer), Paid Family Leave and disability benefits. A diagnosis of COVID-19 may be considered a serious health condition, so eligible employees may be able to take Paid Family Leave to care for a family member who contracts the virus. Complete details regarding eligibility, benefits and how to apply are available at [PaidFamilyLeave.ny.gov/COVID19](#).

New Resource for Surviving Family Members

The Board recognizes the unique and pressing needs of families who lose a loved one due to a work-related injury or illness. To help surviving families understand the workers' compensation benefits that may be available to them, and how to apply, the Board has created a new [fatality claims fact sheet](#), available in the **Publications** section of the Board's website.

New Videos Explain the Benefits Processes

In recent weeks, the Board has released short videos on its social media channels and website aimed at helping workers understand the benefits they may be eligible to receive related to COVID-19, as well as how to apply.

Videos posted on the Board's social media platforms explain what happens when a workers' compensation claim is filed, what information is needed to show that a COVID-19 claim is work-related, how long the process takes, and what type of help is available in filing a claim.

The Board has also shared videos explaining the Paid Family Leave and disability benefits that may be available if a worker, or their minor dependent child, is under a mandatory or precautionary order of quarantine and how they can apply. These videos can be viewed at [PaidFamilyLeave.ny.gov/COVID19](#) or on the Board's [YouTube](#) channel and are available in English and Spanish.

Webinar Wednesdays: Lunch and Learn

The Board is presenting free, one-hour webinars each month to keep workers and employers informed about the workers' compensation system, including changes related to COVID-19, while in-person training sessions are on hold.

The Advocate for Injured Workers will deliver webinars for employees that will cover workers' compensation benefits, how to file a claim, how to get help with a claim, and information to be aware of regarding COVID-19 claims.

The Advocate for Business will deliver webinars for employers that will discuss the basics of the workers' compensation system, including insurance types, coverage requirements, and employers' obligations. This presentation will also explain how and when to report an injury or illness, including COVID-19.

Details regarding these online sessions, including the dates and how to register, are available on the Board's [upcoming webinars](#) page.

Contact the Board

If you need to contact the Board during the COVID-19 health crisis, please call the **Customer Service Toll-Free Number: (877) 632-4996**.

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