

## COVID-19 and Workers' Comp Insurance

What employers need to know about Coronavirus.



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### Are employees who contract COVID-19 eligible for workers' compensation benefits?

In New Mexico, as well as most states, in general, flu, colds, and infectious diseases are not compensable workplace claims. The basis for this is simply a lack of industrial causation; workers cannot produce evidence demonstrating that these illnesses are incident to their employment to a reasonable degree of medical probability. These illnesses are common public risks and exposure could have taken place anywhere.

However, this virus **could** be a bit different in that there is testing and tracking results that may actually provide some evidence of industrial causation. Also, health care professionals may face situations that would demonstrate industrial causation. In these circumstances, the advice to agents and policyholders is to submit the claim and we will conduct a claim investigation and make compensability determinations on a case-by-case basis.

### How should employers report a claim for suspected or diagnosed COVID-19?

Employers should report any claim that is suspected to be work related immediately. We will investigate each claim and make a case-by-case



determination. Claims can be reported online on our website (login credentials required), or you can fax the E-1 (Employer's First Report of Injury) to 505-345-0656.

**For workers' compensation claim questions related to COVID-19, please contact our claims team at 505-343-7777.**