



State: Fla.

Commissioner's Memo Reminds Insurers of Comp Law on Occupational Disease: SOUTH [2020-04-08]

Two weeks after first responders in Florida asked the governor to declare that COVID-19 illness and quarantines should be covered by workers' compensation insurance, state officials have taken a few small steps in that direction.



Commissioner David
Altmaier

Gov. Ron DeSantis has not responded to the letter from a well-known claimants' lawyer who represents public safety officers, which asked for broader coverage for workers exposed to the coronavirus. But on Monday, Florida Insurance Commissioner David Altmaier said in a memo that first responders and health care workers who contract COVID-19 "due to work-related exposure" would be eligible for comp benefits.

"Insurers licensed to provide workers' compensation coverage in Florida are reminded of this statutory requirement, which must be applied on a non-discriminatory basis," Altmaier's memo reads. "The OIR expects workers' compensation insurers to comply with all of the provisions of Florida's Workers' Compensation Law and will take appropriate action in the event of noncompliance."

The memo stops short of what first responders may have been hoping for. Orlando attorney Geoff Bichler, who wrote the March 24 letter to DeSantis, said Altmaier's memo is of limited value, given the defenses against occupational disease claims under Florida comp law.

"This is a tricky issue since I think all of our elected officials would like to see our first responders and health care workers covered for the virus," Bichler said Tuesday.

But it is difficult to mandate such coverage, and questions have been raised about the governor's constitutional authority to order it. Legislation may be required but the Florida Legislature is not in session now.

Bichler and first responder unions had essentially asked for a presumption, including indemnity benefits for workers who are quarantined. Safety and health workers are worried they will have to burn all of their sick leave or vacation time while quarantined or awaiting test results.

Last week, the state's chief financial officer, Jimmy Patronis, issued his own memo, requiring a state agency to begin processing comp claims from frontline public servants who may have contracted the disease. Until then, Bichler said, the

state's risk management agency had declined to even accept first reports of injury for state-employed workers infected with the virus.

Patronis' order applies to state-employed law officers, firefighters, emergency medical workers, health care workers, correctional officers, child safety investigators and Florida National Guard members, although individual state agencies can opt out of the plan. The order did not mention coverage for quarantines.

Also on Tuesday, Altmaier encouraged health providers to expand the use of telemedicine so that patients won't have to come to a medical facility during the epidemic. Pharmacy audits by pharmacy benefit managers should also be done via electronic means where possible, and audit deadlines should be extended, the memo said.

Questions about Altmaier's memo can be sent via email to COVID-19_Orders@flair.com.