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State: Fla.

## Nearly Half of Virus Claims in State Denied, Report Shows: Top [2020-06-11]

Florida insurers, self-insurers and local governments have denied about half of workers' compensation claims for COVID-19, a denial rate that may be significantly higher than some other jurisdictions.

Overall, 45% of virus claims have been denied, according to a report released this week by the Florida Division of Workers' Compensation.

"I'm not surprised at all by that," said Orlando claimants' attorney Geoff Bichler, who represents some 30 first responders who've been hit by the disease and have filed for benefits.

Florida has a limited presumption for frontline state employees including first responders, corrections officers, child safety investigators, members of the Florida National Guard and others who are required to contact people infected with COVID-19, according to the National Council on Compensation Insurance.

The Florida insurance commissioner also reminded insurers that some first responders and health care workers would be eligible for compensation if they can show a workplace exposure.

Bichler said those directives didn't affect most workers and aren't binding on insurers. Many claims have been contested, which he said resulted in litigation.

"Those orders sounded good, but when push comes to shove, the decision often comes back against our clients," said Bichler.

The division's report shows 55% of COVID-19 claims filed by protective service workers, including first responders, were denied.

For health care workers, who accounted for nearly half of COVID-19 claims and more than any other type of worker, about 30% of claims were denied, according to the division's report.

Nearly three-quarters of claims filed by service industry workers were rejected, as were 61% of claims filed by airline workers.

Few other jurisdictions have released virus claims data. And it may be a little tricky comparing the Florida numbers to others because the state DWC report looked mostly at indemnity and not medical-only claims. Attorneys and health experts, though, have said most coronavirus claims involve time off work and few medical bills.

If comparisons can be made, then, the handful of other jurisdictions that have reported data suggest the denial rate is higher in Florida.

In California, where the governor in May issued an executive order retroactive to March, 21% of overall COVID claims were denied, a nonprofit organization reported.

In Ohio, a monopolistic state but one without a presumption rule, some 23% of claims were denied by the state-run comp program, and 35% of COVID claims were denied by self-insurers.



The federal Office of Workers' Compensation Programs reported this week that federal employees had filed 2,670 virus-related claims, and less than 1% have been denied.

The Florida report gives other insights into comp claims resulting from the coronavirus.

The number of claims ballooned in March, earlier than in some parts of the country, with 1,923 claims. In April, 1,558 claims were filed, followed by just 300 in May. COVID claims amounted to more than \$3.4 million in benefits paid so far, or about 3% of the total amount of comp benefits — medical and indemnity — paid for all types of claims paid from January through May, the report shows.

Self-insured governments had the most virus claims, with 1,567 or 41% of all COVID claims. They denied 48% of those. Private insurance carriers saw almost as many claims and denied 55%. Privately owned self-insurers had 822 claims and denied 21%.

More claims were filed in South Florida than in other parts of the state. Miami-Dade County, hit hard by the pandemic, reported 1,584 virus claims since January — three times that of any other part of the state, the report shows. More than \$1.5 million in benefits have been paid there.

Broward and Palm Beach counties also reported more than 400 claims each. But in Jacksonville-Duval County, where Republicans are expected to hold their presidential nominating convention in August, only 65 claims have been filed.

Bichler said that compensation for frontline workers has been complicated by a number of factors, including not enough tests for the virus and some tests that show false negatives. Some workers have had to take time off because of symptoms but haven't been compensated without a positive test.

Some employers have denied benefits despite positive tests, arguing that the worker may have contracted the disease outside of work activities, he said.

Then there's the strange case of a number of first responders who show symptoms and feel sick but have repeatedly tested negative for the disease, prompting them to take more than six weeks off work, some of it unpaid.

"It's weird. They've lost their sense of taste and smell, which is one of the signs, but they don't test positive," Bichler said.