

WEBINAR

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Coronavirus and Workers' Compensation Part 2

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California WCIRB

- *Cost Evaluation of Potential Conclusive COVID-19 Presumption in California Workers' Compensation*
 - *Cost impact of a conclusive COVID-19 presumption for certain workers*
 - *\$2.2 billion to \$33.6 billion*

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State Workers' Compensation Developments

- *A Rebuttable Presumption?*
 - *For first responders and/or healthcare workers*
 - *Arkansas (executive order), California (DOI notice for “frontline workers”), Florida (Florida Office of Insurance guidance), Massachusetts (HD 4949), Michigan (emergency rules), Minnesota (HF 4537, in effect), North Dakota (executive order), Ohio (HB 571, 573), Pennsylvania (HB 2396), South Carolina (advisory notice, in effect), South Dakota (advisory notice, in effect), Wisconsin (AB 1038, in effect)*

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State Workers' Compensation Developments

- *A Rebuttable Presumption?*
 - *For “essential” workers*
 - *Illinois (emergency rule), Kentucky (executive order, in effect), Louisiana (SB 475), Ohio (HB 605)*

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Federal Relief

- *Will they intervene?*

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Business Interruption Insurance

- *Most policies exclude viruses*
- *Federal legislation: H.R. 6494 – coverage for business interruption insurance due to pandemic*
 - *Retroactive*
- *States:*
 - *Louisiana (multiple bills, all pending), Massachusetts (SD 2888), **New Jersey (AB 3844, effective March 9, 2020)**, New York (multiple bills, all pending), Ohio (HB 389), Pennsylvania (multiple bills, all pending), South Carolina (SB 1188)*

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Experience Ratings

- *NCCI*
 - *Proposing that claims attributed to the COVID-19 pandemic should be excluded from experience rating. NCCI will file a rule change for the exclusion of claims identified with Catastrophe Number 12 for consideration by state insurance regulators.*
- *WCIRB*
 - *Excludes COVID-19 Claims from experience rating*
 - *Excludes payments to employees who continue to be paid while not working*



Large Deductible Policy Concerns

- *Per occurrence or multiple?*
- *Versus guaranteed cost claims?*

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Future of the Workers' Compensation Market

- *Collateralization*
- *Anything positive?*

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Questions?

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