

California law update: New COVID requirements

What is SB 1159?

California Senate Bill (SB) 1159 is one of two bills the Governor of California recently signed into law that change how employers and workers compensation carriers and third-party administrators in the state handle COVID-19 cases and claims.

SB 1159 expands access to workers' compensation so that first responders, health care workers and people who test positive due to an outbreak at work get support, including necessary medical care and wage replacement benefits. It does this in several ways, including defining an "injury" to an employee to include illness or death from COVID-19, and creating a "rebuttable presumption" for these groups of employees. It also requires that employers notify their insurance carriers and/or third-party administrators of employee positive COVID-19 tests in writing to help identify outbreaks at workplaces.

The other bill, Assembly Bill (AB) 685, requires timely notification to employees and local and state public health officials of COVID-19 cases at workplaces. This notification mandates that workers take necessary precautions such as seeking testing, getting medical help or complying with quarantine directives.

Together, the bills make up the governor's "worker protection package" and supersede the Governor's earlier executive order. The statutes take effect immediately and remain in effect through January 1, 2023.

Current action needed

As mentioned, SB1159 requires employers to notify their insurance carriers and/or third-party administrators, in writing, of all known employee COVID-19 positive tests, whether each case is work-related or not, within 3 business days.

Helmsman Management Services is rolling out a new process to assist with obtaining the necessary information from our employers as required by these new laws.

Employer notification of all COVID-positive employees

Effective immediately, as a result of the legislation, all Helmsman workers compensation customers doing business in California need to notify us of employees who have tested positive for COVID-19:

- Get the new Helmsman California COVID-19 reporting form, either from your service representative or by emailing a request to CACOV19Tracking@helmsmantpa.com.

Last updated: October 7, 2020. This communication is intended for informational purposes only and does not constitute, and should not be construed as, providing legal advice.



- Fill out copies of it with case details as necessary and required by law. This includes:
 - For every employee who tests positive and their places of employment, with the following limitations:
 - A “positive test” according to the law includes any test approved by the FDA for emergency use. This does not include antibody tests.
 - For the purpose of notification, a “specific place of employment” does not include an employee’s home or residence.
 - Please do not include employee names in this notification form.
 - Retroactively, for all employees who have tested positive since July 6, 2020
- Email those forms to CACOV1D19Tracking@helmsmantpa.com.
- If you need further assistance with the form, call our California COVID-19 Customer Service Line at **888-638-3461**.

The bill specifies this will continue at least to January 1, 2023. With that in mind:

- We will be adding a notification option to our customer portal, so customers can report online easily, even from their mobile devices.
- We will work to incorporate feedback and improve this process as it develops.

Work-related Covid claims (known or alleged)

- In addition to the above, you must use your normal reporting process for WC claims if an employee alleges their COVID claim is work related.

Frequently asked questions

When does this new process take effect?

Please start using the form immediately. The form is also required retroactively for all positive tests beginning July 6, 2020. The statute specifies those retroactive notifications are due no later than October 17, 2020.

Do I need to fill out a form for every case?

You can input multiple notifications into a single form.

If I previously used the form to notify you of a positive test for a work-related case, do I need to file a claim?

Yes, the law requires the notifications to include different information from a claim report, so both are needed.

Do I need to submit a notification via the form if I have already submitted a claim?



Yes, the law requires the notifications to include different information from a claim report, so both are needed.

Do I need to submit a notification of a positive test if the employee is not alleging that their positive test is work related?

Yes. The notification is required even if the employee's case isn't work-related.

The bill states for purposes of this type of reporting, the employer shall not provide any personally identifiable information. What information is needed?

The notification form includes all the required information.

How does this affect my specific claim?

We handle each claim in accordance with the facts of the case, policies in force, and relevant laws and regulations. For information on a specific claim, contact your workers compensation claims specialist.

For more information

Visit the California legislative information site to read the bills:

- [SB 1159: Workers' compensation: COVID-19: critical workers](#)
- [State of California SB 1159 FAQ](#)
- [AB 685: COVID-19: imminent hazard to employees: exposure: notification: serious violations](#)
- [State of California AB 685 FAQ](#)

