

Frequently Asked Questions Relating to COVID-19

(Updated October 3, 2022)

The Maine Workers' Compensation Board (the Board) has received many questions regarding COVID-19. The following list provides information regarding frequently asked questions.

Please note, the information provided is not legal advice and is not judicially enforceable. Employers should contact their workers' compensation insurer or attorney for advice on how to handle specific situations. Employees who are represented should contact their attorney or advocate. Employees who do not have representation can contact a Board troubleshooter for more information.

Are Board offices open?

Board offices are open. Staff is on hand for the purpose of receiving mail, Board filings, and deliveries. However, many of our usual business functions, including hearings and meetings, will continue using both in-person and remote technology.

Please feel free to wear a mask if you prefer, but they are not required at this time. We encourage everyone to continue to use best practices to reduce the transmission of COVID and other viruses, such as staying at home if you are sick and frequent handwashing.

My employee was exposed to COVID-19 while at work. Should I tell my insurer?

Yes. If you are aware of a potential workplace injury, best practice is to contact your workers' compensation insurer right away.

I was exposed to COVID-19 while at work. Should I tell my supervisor?

Yes, you should notify your supervisor as soon as possible. Once your employer is aware of the exposure it should notify its workers' compensation insurer.

Is COVID-19 covered by workers' compensation?

As is the case with other injuries/illnesses, if an employee who has properly filed a claim can show that an injury/illness happened while at work and because of work, the employee will be entitled to workers' compensation benefits. More information about how to properly file a claim can be found in our [Facts About Workers' Compensation booklet \(PDF\)](#).

How should an insurer report a case involving COVID-19 to the Board through EDI?

When submitting a First Report of Injury:

- Nature of Injury Code (data element #0035) should be populated with code 83(COVID-19).
- Cause of Injury Code (data element #0037) should be populated with code 83(Pandemic).

Can I still contact a troubleshooter if I have questions about my claim?

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Yes, our troubleshooters are available by phone and are here to assist you. Here is the contact information for our troubleshooters:

AUGUSTA

Daniel Harrington
(207) 287-2003
1-800-400-6854

CARIBOU

Jimmy Jandreau
(207) 498-6420
1-800-400-6855

LEWISTON

Marc St. Pierre
(207) 753-7711
1-800-400-6857

BANGOR

Michelle Syphers
(207) 941-4567
1-800-400-6856

PORTLAND

Tracy Beaupre
(207) 822-0849
1-800-400-6858

PORTLAND

Tom Profenno
(207) 822-0848
1-800-400-6858

Will I still be able to have a worker advocate represent me?

Yes. You can still be assigned an advocate to represent you in your workers' compensation case. Our worker advocates are conducting client meetings by telephone or remote technology such as Microsoft Teams.

Will I still have my mediation?

Yes, mediations are continuing to be scheduled and held. All mediations are being conducted by phone.

Is the Board still conducting hearings?

Yes, hearings are still being conducted. At this time hearings are being conducted by phone or other form of remote technology. Motions may be filed to request an in-person hearing.

Will the Board be adjusting form filing deadlines or waiving penalties for late filed forms and payments?

The Board does not have the authority to unilaterally change filing requirements in the statute or its rules. The Board will monitor the impact of COVID-19 on form filing deadlines as we work through this unprecedented and evolving time. We will keep Governor Mills informed of any issues that would require her executive authority. Where the Board has the discretion to waive and/or adjust penalties, issues related to COVID-19 will certainly be taken into consideration.

Can healthcare providers submit bills for telemedicine services?

Yes, healthcare providers may bill for telemedicine services.

Can coronavirus stimulus checks (Economic Impact Payments) be used to reduce weekly workers' compensation benefits?

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A binding answer to this question may have to wait until a decision is issued by one of the Board's Administrative Law Judges and/or its Appellate Division. In the meantime, the Board's best practice recommendation is that the coronavirus stimulus payments, which are refundable tax credits, cannot be used to reduce weekly workers' compensation benefits. See, 39-A M.R.S.A. § 221(3)(F).

Do I have to file a First Report of Injury if an employee has an adverse reaction to a COVID-19 vaccine?

If an employer knows or has some knowledge either from the employee or from the circumstances that a COVID-19 vaccination that relates to an employee's job causes the employee to miss one or more days of work, a First Report of Injury must be filed with the Board.

How should an insurer report a case involving an adverse reaction to a COVID-19 vaccine to the Board through EDI?

When submitting a First Report of Injury:

- Nature of Injury Code (data element #0035) should be populated with code 38 (Adverse reaction to a vaccination or inoculation).
- Cause of Injury Code (data element #0037) should be populated with code 83 (Pandemic).

What if I do not require my employees to be vaccinated?

Adverse reactions to vaccinations for COVID-19 might be considered work-related even if the employer does not specifically require its employees to be vaccinated. If you have questions about the compensability of a claim, you should contact your workers' compensation **insurer**.

What if I do not think the adverse reaction should be covered by workers' compensation?

The filing of a First Report of Injury with the Workers' Compensation Board indicates that an employer has some knowledge that an event related to work might have caused an employee to lose at least one day of work. Filing a First Report of Injury does not indicate the employer agrees the injury should be covered as a compensable injury under the Workers' Compensation Act.