

## **WOEMA Legislative Committee turns to pandemic issues**

As with much else, the pandemic has required WOEMA's Legislative Committee to adapt quickly to new circumstances— in this case, a much abbreviated Legislative session that looks much different than when it began three months ago. At the time, WOEMA was aiming to sponsor a bill in to align California requirements for TB testing of healthcare workers with last year's revised CDC guidelines. The Legislature broke in March and returned in May, where it was greeted with new \$54-billion budget hole, a short session timeline, and a near-singular focus on proposals dealing with Covid-19.

Three bills were amended to add a presumption for Covid-19: [AB 664 \(Cooper\)](#) , [SB 893 \(Cabellero\)](#), and [SB 1159 \(Hill\)](#). In the meantime, Governor Newsom issued his own [Executive Order N-62-20](#) adding a presumption for anyone required to report to work during the state's pandemic orders, for up to 14 days following one of those work days. Ultimately, a codified policy is likely to be developed via SB 1159, which was authored by the chairs of the Senate Labor and Assembly Insurance committees and drafted largely by the Senate Labor chief consultant, Gideon Baum.

In April, Baum joined WOEMA's Legislative Committee to discuss the various challenges in crafting an appropriate – and appropriately limited – policy, given the unique aspects of the pandemic, including testing challenges, the likelihood of vaccine, asymptomatic carriers, and levels of community transmission. WOEMA is currently developing a list of considerations for the authors to take into account, even as we maintain our historical opposition to presumptions as being non-scientific and distortions of the system. Among our main points: the need for a positive test or diagnosis, the need for flexibility based on new knowledge, treatments, etc, and and the desirability of creating a Covid-19 registry that tracks cases by occupation.

Meanwhile, the committee continues to track DWC's efforts to recast the billing rules and fee schedule for Qualified Medical Evaluators in the Workers' Compensation system. WOEMA has been fortunate to have two Leg Committee members – Drs. Steve Feinberg and Rupa Das – serving (in their non-WOEMA roles) as participants in DWC's QME workgroup. Final regulations are pending, but indications are that basic report fees will see a healthy increase. That would be welcome in a system where both quality and participation have been suffering for years.

Importantly, in late March, WOEMA recommended that DWC respond to the pandemic by relaxing the deadlines for QME evaluations and also allow evaluations to occur via video or telephone. DWC has indeed issued [emergency regulations](#) to that effect.