

# CALIFORNIA SENATE BILL 1159

## What You Need To Know

Dear Valued Policyholder,

ICW Group wants to help you navigate the implications of Senate Bill 1159 and the potential impact it could have on your workers' compensation program.

### Senate Bill 1159 Overview

Senate Bill 1159 was recently passed by the California Legislature and signed by Governor Newsom. The bill establishes a rebuttable or disputable presumption for certain COVID-19 workers' compensation claims. In essence, a claim can be rebutted by evidence that the employee developed his or her illness due to exposure outside of the workplace. The bill became effective on September 17, 2020 when Governor Newsom signed it and will sunset on January 1, 2023.

For your easy reference, we've created a [Summary of Senate Bill 1159](#) document that provides the bill's key points. You can also [view the full Senate Bill 1159 here](#) on the California Legislation website.

### It's Critical You Properly Report COVID-19 Claims

SB 1159 stipulates that accurate and timely reporting is essential.

- The bill states - "When the employer knows or reasonably should know that an employee has tested positive for COVID-19 [as of the act's effective date], the employer shall report to their claims administrator in writing via electronic mail or facsimile within three business days. If the employer knew of a positive test before the act's effective date (but on or after July 6), the employer has thirty business days to properly report."

To help ensure compliance with timely reporting on an employee testing positive for COVID-19, we've created a convenient [SB 1159 California Employer Reporting Form](#) that you can use. Note the bill also states that a fine up to \$10,000 can be levied to the employer for not accurately reporting.

[Get SB 1159 Reporting Form](#)

### Partnering With You On Presumption Related Claims

ICW Group will help you navigate the challenges presented by SB 1159.

- SB 1159 makes it clear that both the employer and insurer can rebut the presumption by showing "evidence" of measures in place to reduce potential transmission of COVID-19 in the employee's place of employment. We've fully analyzed this bill and have significant expertise on how to investigate and handle presumption claims. ICW Group is fully committed to diligently investigating every COVID-19 claim to determine compensability.
- Your ICW Group Risk Management Team is also here to help you take measures to reduce the potential transmission of COVID-19 in the workplace. Contact your ICW Group Risk Manager or access a variety of [COVID-19 resources](#) in your ICW Group Policyholder Center website.

We are here to help!

Sincerely,

ICW Group Insurance Companies