

Influenza Pandemic

Preamble

There are two main features of an influenza pandemic. First, the virus is a new strain that has never infected people before. Second, it's on a global scale. Sometimes it's also unusually deadly.

Pandemics are unpredictable and it is hard to know when one will occur, what type of flu it will be, and how severe it will be. A flu pandemic could cause many deaths and severe illnesses, disrupt some parts of daily life, and limit the amount of health and other services available. (<http://www.ohiopandemicflu.gov/information/information.htm>)

The World Health Organization (WHO) constantly monitors flu cases throughout the world, relying on information from a wide network of sources, including government health agencies, university scientists, and international aid organizations.

The intent of this policy is to provide guidelines for processing a claim for an influenza pandemic alleged to be work related. It includes limitations of the policy, policy scope, claim filing, claims determination process and treatment guidelines.

Policy Scope

This policy applies only to influenza pandemic claims. This policy does not apply to seasonal influenza cases. Influenza pandemic will not be considered until a declaration has been made by the World Health Organization (WHO) and the Center for Disease Control (CDC) as a pandemic.

Seasonal flu is the term used to refer to the flu outbreaks that occur yearly, mainly in the late fall and winter.

Pandemic Flu refers to particularly virulent strains of flu that spread rapidly from person to person to create a world-wide epidemic (pandemic).

Please reference the How Does Seasonal Flu Differ from Pandemic Flu? Document located at: <http://www.ohiopandemicflu.gov/docs/SeasonalVSPandemic.pdf> to differentiate between seasonal and pandemic flu.

This policy applies to only those individuals who contract the flu during the course of and arising out of employment.

Claim Filing

In the event that there is an influenza pandemic, workers' compensation claims for the disease would be processed as an occupational disease per [RC 4123.01\(F\)](#) .

Claims filed for influenza pandemic will be referred to the Customer Care Team (CCT) for investigation and processing. All claims that are filed, however, will be considered on their own merit.

Although the conditions identified for adverse effects in this policy are not specifically recognized as occupational diseases per the Ohio Revised Code, they do fall within the description of occupational diseases, as defined in [RC 4123.01\(F\)](#); therefore, claims can be addressed as occupational disease claims.

“Occupational disease” means a disease contracted in the course of employment, which by its causes and the characteristics of its manifestation or the condition of the employment results in a hazard which distinguishes the employment in character from employment generally, and the employment creates a risk of contracting the disease in greater degree and in a different manner from the public in general.

Procedures

Claims Determination Process

Claims filed as a result of an influenza pandemic will be managed by the Customer Care Team (CCT).

The Claims Service Specialist, in conjunction with the MCO is responsible for gathering the following information in addition to the information required in the investigation of all occupational disease claims:

- First Report of Injury including the alleged diagnosis;
- Mouth or Nose Swab Influenza A (H1N1 Sub Type) with confirmed diagnosis by the CDC.
- Medical file review may be obtained as needed.

Determining Eligibility for an OD

Case law, Hutchinson v. Ohio Ferro Alloys Corp. states that regardless of whether an OD claim is scheduled or non-scheduled, OD claims are compensable when supported by proof of three circumstances:

1. The work-related exposure has a harmful effect on the employee;
2. There is a causal relationship between the exposure and the harmful effect that is confirmed by a medical diagnosis; and
3. Conditions of employment create a greater hazard to the worker than to other workers in general.

In making the claim determination, the CCT must consider the mechanism of, or process causing the disease; the type of employment, and any other pertinent information.

When there is a pandemic flu and many contagious persons, it will often be difficult for the CCT to determine whether the employee contracted the disease from employment contact or from general exposure to ill persons in society.

Even if the employee can establish an employment connection, the CCT must also determine whether the nature of the disease (its causes and the characteristics of its manifestation) or the conditions of employment result in a hazard which is distinguished from employment in general, and whether the employment poses a risk of contracting the disease from that employment in a greater degree and in a different manner than from the public in general.

Examples of employment that may meet this greater hazard criterion include first responders, like fire fighters or emergency management workers, and health care workers. However, the CCT should evaluate each case on its own facts. If the CCT needs assistance in staffing the legal issue of the claim, the CCT should contact the local Legal Division attorney for advice.

The CCT will use the ICD 487.1 for Influenza and the description can be modified as necessary.

Treatment protocols will be outlined by the Ohio Department of Health and the Center for Disease Control & Prevention (CDC) once the disease is confirmed.

Treatment Guidelines for Allowed Conditions

Due to lack of experience with an influenza pandemic, most physicians will be dependent on information provided by the State of Ohio Department of Health (<http://www.ohiopandemicflu.gov/index.htm>) or the Centers for Disease Control and Prevention (CDC) (<http://www.cdc.gov/index.htm>). Therefore, all treatment recommended by the CDC must be considered by the MCO to be reasonably necessary and appropriate for the allowed condition.