



Occupational Disease Claims

Email: EDI.Support@workcomp.virginia.gov | Toll-Free: 877-664-2566

What is an Occupational Disease?

An occupational disease is a disease arising out of and in the course of employment, but not an ordinary disease of life to which the general public is exposed outside of the employment.

The most common Occupational Disease is Pneumoconiosis, which includes, but is not limited to, Coal Worker's Pneumoconiosis also known as Black Lung, Silicosis, Byssinosis, and Asbestosis.

Occupational Disease or Ordinary Disease of Life?

The Commission must determine whether a condition or disease is an occupational disease as defined by § 65.2-400, *Code of Virginia* or an ordinary disease of life. This is essentially a medical issue that the Commission must decide on a case-by-case basis. The specific characteristics of each employment, the type of work in which the employee performs and the effect it has on the employee are factors that the Commission considers when determining whether a claimant has an occupational disease or an ordinary disease of life. In certain cases, § 65.2-401, *Code of Virginia* will treat ordinary diseases of life as compensable if the evidence satisfies the specific statutory requirements.

Examples of ordinary diseases of life that may be found to be compensable are Heart Disease, Carpel Tunnel Syndrome, Hearing Loss and Hepatitis.

Common Terms

Date of Injury

The Date of Injury is the date in which the diagnosis of an occupational disease is communicated to the employee, per § 65.2-403, *Code of Virginia*. Therefore, the date of communication of diagnosis is the date of injury.

Date of Last Injurious Exposure

Per § 65.2-404, *Code of Virginia*, injurious exposure is the exposure to the causative hazard of the disease which is reasonably calculated to bring on the disease in question. For coal workers' pneumoconiosis cases, 90 work shifts of exposure to the causative hazard is conclusively presumed to be injurious. Date of last injurious exposure is not necessarily the same as the date the claimant last worked for the employer.

Coverage

The employer's insurance carrier at the time of last injurious exposure is responsible for compensation and medical expenses, per § 65.2-404, *Code of Virginia*.

In coal workers' pneumoconiosis cases, if more than one insurance carrier covers the claimant's last 90 shifts of exposure, liability will be divided between the insurance carriers based on the number shifts that each insurance carrier covered.



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EDI Reporting of Occupational Disease Claims

Date of Injury

When filing your EDI FROI transaction, the date of injury field must reflect the date of communication of the occupational disease. This may pose as an issue in your EDI system with coverage being based on the date of last injurious exposure. If this poses as an issue in your EDI system when submitting the EDI FROI transaction, a manual work-around will have to be done on your end prior to submitting the EDI FROI transaction.

Two Insurance Carriers responsible

When there is a question as to which insurance carrier is responsible for payment of the Occupational Disease, no EDI should be filed by any party until the Commission makes a decision as to the responsible parties. If two insurance carriers are determined to be responsible for an injury and EDI is required from both parties, another Jurisdiction Claim Number will be created in order for each insurance carrier to file EDI to be in compliance with § 65.2-902, *Code of Virginia*.

Reporting Pneumoconiosis Permanency Impairment Rating

§ 65.2-503 & § 65.2-504, *Code of Virginia*, provides the breakdown of how many weeks are awarded for each stage of the disease.

The following table provides the percentage breakdown for each stage to use when reporting the permanency rating via EDI.

Stage 1	50 Weeks	16.67%
Stage 2	100 Weeks	33.33%
Stage 3	300 Weeks	100%