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ATTORNEYS AT LAW

# How Does COVID-19 Effect Your Workers' Compensation Claims?

*Presented by: David Roos, Esq., Russell Whittle, Esq., and Spencer Shaw, Esq.*





## David H. Roos

### Stockholder

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David Hamilton Roos serves as Chair of the firm's Workers' Compensation division. He represents insurance carriers, third-party administrators, and employers in the defense of workers' compensation claims. David has authored many articles, including:

- "Recent Legal Developments in Workers' Compensation Law," published in the Winter 2011 *Trial Advocate Quarterly*;
- "Defending A Workers' Compensation Claim on the Basis of Fraudulent Identity Under Chapter 440, Florida Statutes," published in the Fall 2004 *Trial Advocate Quarterly*; and,
- Co-authored the article "Using False Identification to Obtain Employment," featured in the October 2008 edition of the Henderson Franklin's employment law newsletter.

David formerly served on Henderson Franklin's Executive Committee. Naples Illustrated named David a "Top Lawyer" in 2018 and 2019.

Prior to joining Henderson Franklin, David lived in Coral Springs and practiced in Broward and Miami-Dade counties, representing insurance companies involving first-party homeowner property and casualty defense claims. David was born in Fort Myers and grew up in Cape Coral. He is married to Esther and has two daughters, Abigail and Hannah, and a son, Josiah.

## Professional And Civic Affiliations

David is a member of the Lee County Bar Association and The Florida Bar (Workers' Compensation and Trial Law Sections). He previously served as Chairman of the Workers' Compensation Section of the Florida Defense Lawyers Association (FDLA).

## Education

- University of South Florida, B.A.
- Nova Southeastern University, J.D., *cum laude*
- Admitted to the Florida Bar

## Practice Areas

- Workers' Compensation



## Spencer M. Shaw

### Associate

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Spencer is a staff attorney in the firm's Fort Myers office and focuses her practice in workers' compensation defense. She represents public and private employers throughout Florida at every stage of defending a workers' compensation claim, from making sure employers file and respond with proper documentation to preparing witnesses for deposition and trial. Spencer is admitted to practice in all Florida state courts.

While in law school, Spencer served as Editor-in-Chief of the Ave Maria School of Law International Law Journal and Treasurer of Phi Alpha Delta. She also served as a teacher's assistant to Professor Peter Carfagna in areas of Advanced Contract Drafting and Advanced Sports Law.

Spencer served as a staff attorney's intern for the 20th Judicial Circuit Court, and an intern for Safari Club International. She also serves as co-chair of the Florida Defense Lawyers Association's Workers' Compensation Section. Spencer was a recipient of Ave Maria School of Law's Dean's Scholarship.

Spencer was born and raised in Southwest Florida, graduating from Naples High School, Florida Gulf Coast University and Ave Maria School of Law. When not working, she enjoys paddle boarding and traveling.

## Articles

- Is an employer liable for a workers' compensation claim if an employee contracts COVID-19 at work?

## Professional and Civic Affiliations

Over the years, Spencer has volunteered with Ocean's Conservancy beach clean-up and Empty Bowls of Naples for Women's Law Association.

## Education

- Florida Gulf Coast University, B.S.
- Ave Maria School of Law, J.D., *magna cum laude*
- Admitted to The Florida Bar

## Practice Areas

- Workers' Compensation





## Russell S. Whittle

### Stockholder

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Russell has been representing the interests of insurers and employers in the defense of workers' compensation and liability matters in Florida for nearly 30 years. His varied experience also includes serving as senior staff counsel for a Medicare compliance company, general counsel for an insurance company focusing on the professional employer organization market, and as a title insurance company attorney.

Russell was designated as a Certified Medicare Set Aside Consultant in 2012. He has lectured throughout the country on Medicare set aside issues, Medicare Secondary Payer legislation, and compliance, discovery, ethics, liability and workers' compensation law.

When not working, he enjoys spending time with his wife and their three children, golfing, traveling and watching Boston sports.

## Professional and Civic Affiliations

Russell is a member of the American Bar Association, the Workers' Compensation Section of the Florida Bar and the American Association for Justice.

## Education

- Skidmore College, B.A.
- University of Miami School of Law, J.D.
- Admitted to the Florida Bar

## Practice Areas

- Workers' Compensation



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**Workers' Compensation and COVID-19**

- Is it an **accident**, as defined by Florida's Workers' Compensation Statute 440.02(1)?



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**Workers' Compensation and COVID-19**



- Is it an **occupational disease**, as defined by Florida's Workers' Compensation Statute 440.151?

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Public Safety Workers  
and Florida’s Heart Lung Bill

- Coverage for first responders and frontline workers



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HR Checklist When Suspected Claim

- Report COVID claims to carrier immediately
- What can employer do once COVID claim is reported?
- Employer initial investigation of reported COVID claim
- Document, document, document



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Final Thoughts



- Burden of proof
- Thorough investigations

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