



General Assembly

January Session, 2001

Raised Bill No. 6885

LCO No. 4236

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE
FOR EXPOSURE TO HEPATITIS, TUBERCULOSIS AND MENINGITIS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section:

2 (1) "Body fluids" means blood and body fluids containing visible
3 blood and other body fluids to which universal precautions for
4 prevention of occupational transmission of blood-borne pathogens, as
5 established by the Centers for Disease Control, apply. For purposes of
6 potential transmission of meningococcal meningitis or tuberculosis, the
7 term "body fluids" includes respiratory, salivary and sinus fluids,
8 including droplets, sputum and saliva, mucous and other fluids
9 through which infectious airborne organisms can be transmitted
10 between persons.

11 (2) "Emergency rescue or public safety worker" means any person
12 employed full-time by the state or any political subdivision of the state
13 as a firefighter, paramedic, emergency medical technician, law
14 enforcement officer or correctional officer who, in the course of
15 employment, runs a high risk of occupational exposure to hepatitis,

16 meningococcal meningitis or tuberculosis and who is not employed
17 elsewhere in a similar capacity, but does not include any person
18 employed by a public hospital or any person employed by a subsidiary
19 of a public hospital.

20 (3) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
21 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
22 recognized by the medical community.

23 (4) "High risk of occupational exposure" means risk that is incurred
24 because a person subject to the provisions of this section, in
25 performing the basic duties associated with such person's
26 employment:

27 (A) Provides emergency medical treatment in a nonhealthcare
28 setting where there is a potential for transfer of body fluids between
29 persons;

30 (B) At the site of an accident, fire or other rescue or public safety
31 operation, or in an emergency rescue or public safety vehicle, handles
32 body fluids in or out of containers or works with or otherwise handles
33 needles or other sharp instruments exposed to body fluids;

34 (C) Engages in the pursuit, apprehension or arrest of law violators
35 or suspected law violators and, in performing such duties, may be
36 exposed to body fluids; or

37 (D) Is responsible for the custody and physical restraint, when
38 necessary, of prisoners or inmates within a prison, jail or other criminal
39 detention facility, while on work detail outside the facility or while
40 being transported and, in performing such duties, may be exposed to
41 body fluids.

42 (5) "Occupational exposure" in the case of hepatitis, meningococcal
43 meningitis or tuberculosis means an exposure that occurs during the
44 performance of job duties that may place a worker at risk of infection.

45 (b) Any emergency rescue or public safety worker who suffers a
46 condition or impairment of health that is caused by hepatitis,
47 meningococcal meningitis or tuberculosis that requires medical
48 treatment, and that results in total or partial incapacity or death shall
49 be presumed to have sustained such condition or impairment of health
50 in the course of employment and shall be entitled to receive workers'
51 compensation benefits pursuant to chapter 568 of the general statutes,
52 unless the contrary is shown by competent evidence, provided:

53 (1) The emergency rescue or public safety worker has, prior to
54 diagnosis, undergone standard, medically acceptable tests for evidence
55 of the communicable disease for which the presumption is sought or
56 for evidence of medical conditions derived therefrom, which tests
57 failed to indicate the presence of infection, or in the case of hepatitis
58 infection, shall have banked serum for future testing, which future
59 tests fail to reveal evidence of infection; and

60 (2) The emergency rescue or public safety worker presents a written
61 affidavit verifying by written declaration that, to the best of the
62 worker's knowledge and belief:

63 (A) In the case of meningococcal meningitis, in the ten days
64 immediately preceding diagnosis, the worker was not exposed, outside
65 the scope of employment, to any person known to have meningococcal
66 meningitis or known to be an asymptomatic carrier of the disease.

67 (B) In the case of tuberculosis, in the period of time since the
68 worker's last negative tuberculosis skin test, the worker has not been
69 exposed, outside the scope of employment, to any person known by
70 the worker to have tuberculosis.

71 (c) Whenever any standard, medically recognized vaccine or other
72 form of immunization or prophylaxis exists for the prevention of a
73 communicable disease for which a presumption is granted under this
74 section, if medically indicated in the given circumstances pursuant to
75 immunization policies established by the Advisory Committee on

76 Immunization Practices of the United States Public Health Service, an
77 emergency rescue or public safety worker may be required by the
78 worker's employer to undergo the immunization or prophylaxis unless
79 the worker's physician determines, in writing, that the immunization
80 or prophylaxis would pose a significant risk to the worker's health.
81 Absent such written determination, failure or refusal by an emergency
82 rescue or public safety worker to undergo such immunization or
83 prophylaxis disqualifies the worker from the benefits of the
84 presumption.

85 (d) The employing agency shall maintain a record of any known or
86 reasonably suspected exposure of an emergency rescue or public safety
87 worker in its employ to the diseases described in this section and shall
88 immediately notify the employee of such exposure. An emergency
89 rescue or public safety worker shall file an incident or accident report
90 with the worker's employer of each instance of known or suspected
91 occupational exposure to hepatitis infection, meningococcal meningitis
92 or tuberculosis.

Statement of Purpose:

To establish a rebuttable presumption that certain safety personnel who develop hepatitis, tuberculosis or meningitis after being exposed to it in the workplace are eligible for workers' compensation benefits.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]