



General Assembly

**Amendment**

January Session, 2007

LCO No. 9268

\*HB0695609268HDO\*

Offered by:  
REP. RYAN, 139<sup>th</sup> Dist.

To: Subst. House Bill No. 6956      File No. 865      Cal. No. 96

**"AN ACT CONCERNING WORKERS' COMPENSATION  
COVERAGE FOR FIREFIGHTERS, POLICE OFFICERS AND  
EMERGENCY RESCUE WORKERS."**

1      Strike everything after the enacting clause and substitute the  
2      following in lieu thereof:

3      "Section 1. (NEW) (*Effective October 1, 2007*) (a) As used in this  
4      section:

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

14 (2) "Emergency rescue worker" means a local emergency medical  
15 technician, medical response technician, paramedic, ambulance driver  
16 or active member of an organization certified as a volunteer ambulance  
17 service in accordance with section 19a-180 of the general statutes who,  
18 in the course of employment, runs a high risk of occupational exposure  
19 to hepatitis, meningococcal meningitis or tuberculosis.

20 (3) "Police officer or firefighter" means a local or state police officer,  
21 a state or local firefighter or an active member of a volunteer fire  
22 company or fire department engaged in volunteer duties who, in the  
23 course of employment, runs a high risk of occupational exposure to  
24 hepatitis, meningococcal meningitis or tuberculosis.

25 (4) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,  
26 hepatitis non-B, hepatitis C or any other strain of hepatitis generally  
27 recognized by the medical community.

28 (5) "High risk of occupational exposure" means a risk for which an  
29 exposure report is filed and that is incurred because a person subject to  
30 the provisions of this section, in performing the basic duties associated  
31 with such person's employment:

32 (A) Provides emergency medical treatment in a non-health-care  
33 setting where there is a potential for transfer of body fluids between  
34 persons;

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

39 (C) Engages in the pursuit, apprehension or arrest of law violators  
40 or suspected law violators and, in performing such duties, may be  
41 exposed to body fluids.

42 (6) "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 police officer, firefighter or emergency rescue worker who  
46 suffers a condition or impairment of health that is caused by hepatitis,  
47 meningococcal meningitis or tuberculosis that (1) requires medical  
48 treatment, (2) results in total or partial incapacity or death, and (3) has  
49 an exposure report on file shall be presumed to have sustained such  
50 condition or impairment of health in the course of employment and  
51 shall be entitled to receive workers' compensation benefits pursuant to  
52 chapter 568 of the general statutes, unless the contrary is shown,  
53 provided:

54 (1) The police officer, firefighter or emergency rescue worker  
55 completed a physical examination, including a tuberculosis skin test,  
56 on entry into police, fire or emergency rescue service that failed to  
57 reveal any evidence of such condition or impairment of health. Such  
58 physical examination shall be completed not less than biannually.

59 (2) The police officer, firefighter or emergency rescue worker  
60 presents a written affidavit verifying by written declaration that, to the  
61 best of his or her knowledge and belief:

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

68 (B) In the case of tuberculosis, in the period of time since the police  
69 officer's, firefighter's or emergency rescue worker's last negative  
70 tuberculosis skin test, he or she has not been exposed, outside the  
71 scope of employment, to any person known by the police officer,  
72 firefighter or emergency rescue worker to have tuberculosis.

73 (c) A police officer, firefighter or emergency rescue worker shall file  
74 an exposure report with his or her employer of each instance of a high

75 risk of occupational exposure. Each employer, employee or bargaining  
76 unit shall maintain a copy of such exposure report.

77 Sec. 2. Section 7-433c of the general statutes is repealed and the  
78 following is substituted in lieu thereof (*Effective October 1, 2007*):

79 (a) Notwithstanding any provision of chapter 568 or any other  
80 general statute, charter, special act or ordinance, [to the contrary,] in  
81 the event a uniformed member of a paid municipal fire department or  
82 a regular member of a paid municipal police department who (1)  
83 began such employment prior to July 1, 1996, and (2) successfully  
84 passed a physical examination on entry into such service, which  
85 examination failed to reveal any evidence of hypertension or heart  
86 disease, suffers either off duty or on duty any condition or impairment  
87 of health caused by hypertension or heart disease resulting in [his  
88 death or his] such member's death or temporary or permanent, total or  
89 partial disability, [he or his] such member or such member's  
90 dependents, as the case may be, shall receive from [his] such member's  
91 municipal employer compensation and medical care in the same  
92 amount and the same manner as that provided under chapter 568 if  
93 such death or disability was caused by a personal injury which arose  
94 out of and in the course of [his] such member's employment and was  
95 suffered in the line of duty and within the scope of [his] such member's  
96 employment, and from the municipal or state retirement system under  
97 which [he] such member is covered, [he or his] such member or such  
98 member's dependents, as the case may be, shall receive the same  
99 retirement or survivor benefits which would be paid under said  
100 system if such death or disability was caused by a personal injury  
101 which arose out of and in the course of [his] such member's  
102 employment, and was suffered in the line of duty and within the scope  
103 of [his] such member's employment. If successful passage of such a  
104 physical examination was, at the time of [his] employment, required as  
105 a condition for such employment, no proof or record of such  
106 examination shall be required as evidence in the maintenance of a  
107 claim under this section or under such municipal or state retirement  
108 systems. The benefits provided by this section shall be in lieu of any

109 other benefits which such [policeman or fireman or his] member or  
110 such member's dependents may be entitled to receive from [his] such  
111 member's municipal employer under the provisions of chapter 568 or  
112 the municipal or state retirement system under which [he] such  
113 member is covered, except as provided by this section, as a result of  
114 any condition or impairment of health caused by hypertension or heart  
115 disease resulting in [his death or his] such member's death or  
116 temporary or permanent, total or partial disability. As used in this  
117 section, the term "municipal employer" shall have the same meaning  
118 and shall be defined as said term is defined in section 7-467.

119 [(b) Notwithstanding the provisions of subsection (a) of this section,  
120 those persons who began employment on or after July 1, 1996, shall not  
121 be eligible for any benefits pursuant to this section.]

122 (b) (1) As used in this subsection, "on duty" means:

123 (A) For a uniformed member of a paid municipal fire department,  
124 (i) responding to, at the scene of or returning from alarms, (ii)  
125 responding to, at the scene of or returning from calls for mutual aid  
126 assistance, (iii) at drills or training, or (iv) performing fire  
127 investigations; and

128 (B) For a regular member of a paid municipal police department, (i)  
129 making an arrest, (ii) responding to a call for service from the public,  
130 or (iii) responding to an emergency or code.

131 (2) For the purpose of adjudication of claims for the payment of  
132 benefits under the provisions of chapter 568 to a uniformed member of  
133 a paid municipal fire department or a regular member of a paid  
134 municipal police department who began such employment on or after  
135 July 1, 1996, any heart or circulatory malfunction occurring to such  
136 member while such member is on duty and acting within the scope of  
137 his employment for such member's municipal employer that results in  
138 death or temporary or permanent total or partial disability shall be  
139 presumed to have been suffered in the line of duty and within the  
140 scope of such member's employment, unless the contrary is shown by

141 competent evidence. Such presumption shall be available only if all  
 142 physical examinations completed by the member after entry into such  
 143 employment failed to reveal any evidence of heart or circulatory  
 144 malfunction. Such physical examinations shall be completed not less  
 145 than biannually and shall be documented by an affidavit, signed by the  
 146 physician, certifying whether such member exhibits evidence of any  
 147 conditions that would tend to impair the health of such member.  
 148 "Conditions that would tend to impair the health" shall include, but  
 149 not be limited to, alcohol abuse or tobacco use, hypertension or a high  
 150 cholesterol level."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section
Sec. 2	October 1, 2007	7-433c