



General Assembly

February Session, 2008

Raised Bill No. 5678

LCO No. 2163

* _____HB05678LABJUD031208_____*

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

**AN ACT CONCERNING WORKERS' COMPENSATION
PRESUMPTIONS FOR EMPLOYEES OF THE DEPARTMENT OF
CORRECTION.**

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

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
2 section:

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

12 (2) "Hepatitis" means hepatitis A, hepatitis B, hepatitis non-A,
13 hepatitis non-B, hepatitis C or any other strain of hepatitis generally
14 recognized by the medical community.

15 (3) "High risk of occupational exposure" means the risk incurred as
16 a result of the basic duties of employment, where the employee is
17 responsible for the custody and physical restraint, when necessary, of
18 prisoners or inmates (A) within a prison, jail or other criminal
19 detention facility, (B) while on work detail outside the facility, or (C)
20 while being transported and, in performing such duties, may be
21 exposed to body fluids.

22 (4) "Occupational exposure", in the case of hepatitis, meningococcal
23 meningitis or tuberculosis, means an exposure that occurs during the
24 performance of job duties that may place a worker at risk of infection.

25 (5) "Department" means the Department of Correction.

26 (6) "Employee" means employee of the Department of Correction.

27 (b) Any employee, who suffers a condition or impairment of health
28 that is caused by hepatitis, meningococcal meningitis or tuberculosis
29 that requires medical treatment and that results in total or partial
30 incapacity or death, shall be presumed to have sustained such
31 condition or impairment of health in the course of employment and
32 shall be entitled to receive workers' compensation benefits pursuant to
33 chapter 568 of the general statutes, unless the contrary is shown by
34 competent evidence, provided:

35 (1) The employee completed a physical examination, including a
36 tuberculosis skin test, on entry into employment that failed to reveal
37 any evidence of such condition or impairment of health; and

38 (2) The employee presents a written affidavit verifying by written
39 declaration that, to the best of his or her knowledge and belief:

40 (A) In the case of meningococcal meningitis, in the ten days
41 immediately preceding diagnosis, the employee was not exposed,
42 outside the scope of employment, to any person known to have
43 meningococcal meningitis or known to be an asymptomatic carrier of
44 the disease.

45 (B) In the case of tuberculosis, in the period of time since the
46 employee's last negative tuberculosis skin test, he or she has not been
47 exposed, outside the scope of employment, to any person known by
48 the employee to have tuberculosis.

49 (c) The department shall maintain a record of any known or
50 reasonably suspected exposure of any of its employees to the diseases
51 described in this section and shall immediately notify the employee of
52 such exposure. An employee shall file an incident or accident report
53 with the department of each instance of known or suspected
54 occupational exposure to hepatitis, meningococcal meningitis or
55 tuberculosis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section

LAB

Joint Favorable C/R

JUD