



House of Representatives

General Assembly

File No. 69

January Session, 2009

House Bill No. 6192

House of Representatives, March 16, 2009

The Committee on Labor and Public Employees reported through REP. RYAN of the 139th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING WORKERS' COMPENSATION
PRESUMPTIONS FOR METHICILLIN-RESISTANT
STAPHYLOCOCCUS AUREUS 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, 2009*) (a) As used in this
2 section:

3 (1) "MRSA" means methicillin-resistant staphylococcus aureus.

4 (2) "Occupational exposure", in the case of MRSA, means an
5 exposure that occurs during the performance of basic duties of
6 employment.

7 (3) "Department" means the Department of Correction.

8 (4) "Employee" means an employee of the Department of
9 Correction.

10 (b) Any employee, who suffers a condition or impairment of health

11 that is caused by MRSA that requires medical treatment and that
 12 results in total or partial incapacity or death, shall be presumed to have
 13 sustained such condition or impairment of health in the course of
 14 employment and shall be entitled to receive workers' compensation
 15 benefits pursuant to chapter 568 of the general statutes, unless the
 16 contrary is shown by competent evidence, provided:

17 (1) The employee completed a physical examination on entry into
 18 employment that failed to reveal any evidence of such condition or
 19 impairment of health or any immune system compromise; and

20 (2) The employee presents a written affidavit verifying by written
 21 declaration that, to the best of his or her knowledge and belief, in the
 22 twelve days immediately preceding diagnosis, the employee was not
 23 exposed, outside the scope of employment, to any person known to
 24 have MRSA or known to be an asymptomatic carrier of the bacterium.

25 (c) The department shall maintain a record of any known or
 26 reasonably suspected exposure of any of its employees to MRSA and
 27 shall immediately notify the employee of such exposure. An employee
 28 shall file an incident or accident report with the department of each
 29 instance of his or her known or suspected occupational exposure to
 30 MRSA.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

LAB *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Correction, Dept.	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a rebuttable presumption that a Department of Correction (DOC) employee, who suffers a condition or health impairment caused by methicillin-resistant staphylococcus aureus (MRSA) that requires medical treatment and results in a total or partial incapacity or death, sustained the condition or impairment in the course of employment.

This bill is expected to increase costs, potentially significantly, to the state workers' compensation program. Under current law, CGS 5-142(b), MRSA is categorized as a communicable disease, and if a MRSA claim is accepted, employees are paid at 50% of full salary for the period of disability. This bill would move an accepted MRSA claim from CGS 5-142(b) into Chapter 568 which may increase indemnity costs above the current 50% of full salary for the period of disability.

The bill also requires DOC to immediately notify employees of known or reasonably suspected exposure to MRSA and requires employees to file an incident or accident report each time an employee knows or suspects exposure to MRSA. This provision may also increase state workers' compensation claim costs as it is anticipated that employees will have increased medical visits as a result of their

suspected exposure to MRSA. Under the current workers' compensation system an employee cannot file a claim without having contracted a disease. This provision may expose the state to medical expenses without an employee actually having contracted a MRSA condition/impairment.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6192*****AN ACT CONCERNING WORKERS' COMPENSATION
PRESUMPTIONS FOR METHICILLIN-RESISTANT
STAPHYLOCOCCUS AUREUS FOR EMPLOYEES OF THE
DEPARTMENT OF CORRECTION.*****SUMMARY:**

This bill establishes a rebuttable presumption that a Department of Correction (DOC) employee who suffers a condition or health impairment caused by methicillin-resistant staphylococcus aureus (MRSA) that requires medical treatment and results in total or partial incapacity or death, sustained the condition or impairment in the course of employment. Unless competent evidence shows the contrary, the employee is entitled to workers' compensation benefits.

To qualify for the presumption, the bill requires the employee to:

1. complete a physical exam, when starting employment, that does not show evidence of the condition, health impairment, or any immune system compromise and
2. present a written affidavit declaring that within the 12 days before diagnosis, to the best of his or her knowledge and belief, he or she was not exposed outside the scope of employment to anyone known to have MRSA or be an asymptomatic carrier of the bacterium.

The bill requires DOC to maintain records of any known or reasonably suspected exposure of employees to MRSA and immediately notify an employee of such an exposure. An employee must file an incident or accident report with DOC each time the employee knows or suspects occupational exposure to MRSA. Occupational exposure is an exposure occurring while performing the

basic duties of employment.

EFFECTIVE DATE: October 1, 2009

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 8 Nay 2 (03/05/2009)