

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 664**

---

---

**Introduced by Assembly Member Skinner**

February 25, 2009

---

---

An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 664, as amended, Skinner. Workers' compensation: hospital employees: presumption.

Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain public employees, the term "injury" includes heart trouble, hernia, pneumonia, human immunodeficiency virus, lower back impairment, and other injuries and diseases.

This bill would provide, with respect to hospital employees, that the term "injury" includes a blood-borne infectious disease, neck or back impairment, or methicillin-resistant *Staphylococcus aureus* that develops or manifests itself during the period of the person's employment with the hospital.

This bill would further create a rebuttable presumption that the above injury arises out of and in the course of the person's employment if it develops or manifests during the period of the employment.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3212.13 is added to the Labor Code, to  
2 read:

3 3212.13. (a) In the case of a hospital employee, the term  
4 “injury,” as used in this section, includes a blood-borne infectious  
5 disease, neck or back impairment, or methicillin-resistant  
6 Staphylococcus aureus (MRSA) that develops or manifests itself  
7 during a period of the person’s employment with the hospital. The  
8 compensation awarded for that injury shall include full hospital,  
9 surgical, medical treatment, disability indemnity, and death  
10 benefits, as provided by this division.

11 (b) (1) The blood-borne infectious disease, neck or back  
12 impairment, or MRSA so developing or manifesting itself shall  
13 be presumed to arise out of and in the course of employment. This  
14 presumption is disputable and may be controverted by other  
15 evidence, but unless so controverted, the appeals board shall so  
16 find. ~~This presumption~~

17 (2) *The blood-borne infectious disease and neck or back*  
18 *impairment presumptions* shall be extended to a hospital employee  
19 following termination of service for a period of three calendar  
20 months for each full year of the requisite service, but not to exceed  
21 60 months in any circumstance, commencing with the last date  
22 actually worked.

23 (3) *The MRSA presumption shall be extended to a hospital*  
24 *employee following termination of service for a period of 90 days,*  
25 *commencing with the last day actually worked.*

26 (c) A blood-borne infectious disease so developing or  
27 manifesting itself in these cases shall not be attributed to any  
28 disease existing prior to that development or manifestation.