

AMENDED IN SENATE MAY 29, 2012

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 808

Introduced by Assembly Member Skinner
(Principal coauthor: Senator Alquist)
(Coauthor: Assembly Member Wieckowski)

February 17, 2011

An act to ~~amend Section 18901.6 of the Welfare and Institutions Code~~ *add Section 3212.13 to the Labor Code*, relating to ~~public social services workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 808, as amended, Skinner. ~~CalFresh: transitional benefits and recertification.~~—*Workers' compensation: hospital employers: 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, meningitis, lower back impairment, and other injuries and diseases.

This bill would provide, with respect to hospital employees who provide direct patient care in an acute care hospital, that the term "injury" includes methicillin-resistant Staphylococcus aureus (MRSA) that develops or manifests itself during the period of the person's employment with the hospital. This bill would create a presumption

that MRSA arises out of and in the course of the person's employment if MRSA develops or manifests as specified. This bill would prohibit attributing MRSA that develops or manifests in those cases to any disease or skin infection existing prior to that development or manifestation.

~~Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds.~~

~~Existing federal law provides for the federal Supplemental Nutrition Assistance Program (SNAP), known in California as CalFresh, formerly the Food Stamp Program, under which food stamps allocated to the state by the federal government are distributed to eligible individuals by each county. Existing law requires county welfare departments to provide transitional CalFresh benefits to households terminating their participation in the CalWORKs program, to the maximum extent allowable by federal law.~~

~~This bill would require the county welfare department to provide each household receiving transitional CalFresh benefits with a notice for recertification to continue to receive regular CalFresh benefits, which would include an appointment date and time, as specified. By imposing additional duties on counties administering CalFresh, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 *SECTION 1. The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(a) According to the United States Department of Labor, health*
- 4 *care is the second fastest growing sector of the United States*

1 *economy, employing over 12 million workers. Women represent*
2 *nearly 80 percent of the health care workforce.*

3 *(b) By the nature of their profession, health care workers are*
4 *in constant danger of being directly exposed to many infectious*
5 *diseases and indirectly exposed through contact with various pieces*
6 *of equipment, chemicals, and clothing.*

7 *(c) Registered nurses constitute the largest occupation within*
8 *the health care sector and number over 2.5 million, of which 70*
9 *percent are employed in hospitals.*

10 *(d) Health care acquired infections in California hospitals*
11 *account for an estimated 200,000 infections and 12,000 deaths*
12 *annually, according to the State Department of Public Health.*

13 *(e) According to the Office of Statewide Health Planning and*
14 *Development, in 2007 there were 52,000 cases of patients infected*
15 *by methicillin-resistant Staphylococcus aureus (MRSA) at hospitals*
16 *across the state.*

17 *(f) Public safety employees, such as police officers and*
18 *firefighters, already have guaranteed access to the workers'*
19 *compensation system for MRSA, HIV, cancer, leukemia, meningitis,*
20 *back injuries, and other work-related illnesses and injuries.*
21 *However, presumptive eligibility for workers' compensation is*
22 *nonexistent for health care workers.*

23 *(g) Due to the rise in work-related illnesses and injuries,*
24 *including MRSA, it is most appropriate to protect health care*
25 *workers by ensuring access to workers' compensation for health*
26 *care workers who suffer workplace injuries or contract infectious*
27 *diseases.*

28 *SEC. 2. Section 3212.13 is added to the Labor Code, to read:*

29 *3212.13. (a) In the case of a hospital employee who provides*
30 *direct patient care in an acute care hospital, referred to in this*
31 *section as hospital employee, the term "injury," as used in this*
32 *section, includes methicillin-resistant Staphylococcus aureus*
33 *(MRSA) which develops or manifests itself during a period of the*
34 *person's employment with the hospital. The compensation awarded*
35 *for that injury shall include full hospital, surgical, medical*
36 *treatment, disability indemnity, and death benefits, as provided by*
37 *this division.*

38 *(b) (1) MRSA which develops or manifests itself shall be*
39 *presumed to arise out of and in the course of employment. This*
40 *presumption is disputable and may be controverted by other*

1 evidence, but unless other evidence is controverted, the
2 presumptions shall prevail.

3 (2) The MRSA presumption shall be extended to a hospital
4 employee following termination of service for a period of 60 days,
5 commencing with the last date actually worked.

6 (c) MRSA that develops or manifests itself in circumstances
7 described in subdivision (b) shall not be attributed to any disease
8 or skin infection existing prior to that development or
9 manifestation.

10 (d) For the purposes of this section, “acute care hospital” means
11 a health facility as defined in subdivision (a) or (b) of Section 1250
12 of the Health and Safety Code.

13 SECTION 1. ~~Section 18901.6 of the Welfare and Institutions~~
14 ~~Code is amended to read:~~

15 ~~18901.6. (a) To the maximum extent allowable by federal law,~~
16 ~~each county welfare department shall provide transitional CalFresh~~
17 ~~benefits to households terminating their participation in the~~
18 ~~CalWORKs program.~~

19 ~~(b) (1) The Legislature finds and declares that 40 percent of~~
20 ~~CalWORKs recipients who receive transitional CalFresh benefits~~
21 ~~under subdivision (a) reapply to receive regular CalFresh benefits.~~

22 ~~(2) The county welfare department shall provide each household~~
23 ~~receiving transitional CalFresh benefits under subdivision (a) with~~
24 ~~a notice for recertification to continue to receive regular CalFresh~~
25 ~~benefits, within the first 5 business days of the last month of~~
26 ~~eligibility for transitional CalFresh benefits. The recertification~~
27 ~~notice shall specify an appointment date and time, which shall be~~
28 ~~scheduled to occur during the last month of receipt of transitional~~
29 ~~benefits. To the extent permitted by federal law, the recertification~~
30 ~~process designed pursuant to this paragraph shall be designed so~~
31 ~~as not to require recipients of transitional CalWORKs benefits to~~
32 ~~take time off from work or travel to the county welfare office, in~~
33 ~~order to maximize participation of eligible households.~~

34 SEC. 2. ~~If the Commission on State Mandates determines that~~
35 ~~this act contains costs mandated by the state, reimbursement to~~
36 ~~local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

O