

AMENDED IN ASSEMBLY APRIL 29, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Skinner

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Skinner. Workers' compensation: hospital employers: compensation.

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 a methicillin-resistant *Staphylococcus aureus* skin infection (MRSA skin infection) that develops or manifests itself during the period of the person's employment with the hospital. This bill would create a presumption that a MRSA skin infection arises out of and in the course of the person's employment if the MRSA skin infection develops or manifests, as specified. This bill would prohibit attributing a MRSA skin infection that develops or manifests in those cases to any

disease or skin infection existing prior to that development or manifestation.

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. 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
5 economy, *currently* employing over ~~12~~ 16 million workers. Women
6 represent nearly 80 percent of the health care workforce.

7 (b) By the nature of their profession, health care workers are in
8 constant danger of being directly exposed to many infectious
9 diseases and indirectly exposed through contact with various pieces
10 of equipment, chemicals, and clothing.

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

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

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

21 (f) Public safety employees, such as police officers and
22 firefighters, already have guaranteed access to the workers'
23 compensation system for methicillin-resistant *Staphylococcus*
24 *aureus* skin infection (MRSA skin infection), HIV, cancer,
25 leukemia, meningitis, back injuries, and other work-related illnesses
26 and injuries. However, presumptive eligibility for workers'
27 compensation is nonexistent for health care workers.

28 (g) Due to the rise in work-related illnesses and injuries,
29 including a MRSA skin infection, it is most appropriate to protect
30 health care workers by ensuring access to workers' compensation
31 for health care workers who suffer workplace injuries or contract
32 infectious diseases.

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

1 3212.13. (a) In the case of a hospital employee who provides
2 direct patient care in an acute care hospital, referred to in this
3 section as hospital employee, the term “injury,” as used in this
4 section, includes a methicillin-resistant *Staphylococcus aureus*
5 skin infection (MRSA skin infection) that develops or manifests
6 itself during a period of the person’s employment with the hospital.
7 The compensation awarded for that injury shall include full
8 hospital, surgical, medical treatment, disability indemnity, and
9 death benefits, as provided by this division.

10 (b) (1) A MRSA skin infection that develops or manifests itself
11 shall be presumed to arise out of and in the course of employment.
12 This presumption is disputable and may be controverted by other
13 evidence, but if controverting evidence is not produced, the
14 presumption shall prevail.

15 (2) The MRSA skin infection presumption shall be extended to
16 a hospital employee following termination of service for a period
17 of 60 days, commencing with the last date actually worked.

18 (c) A MRSA skin infection that develops or manifests itself in
19 circumstances described in subdivision (b) shall not be attributed
20 to a disease or skin infection existing prior to that development or
21 manifestation.

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