



CAAA Floor Alert **Support for AB 808 (Skinner)**

EXISTING LAW

Under current law, an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system (**Labor Code Section 3208**). However, the only employees who receive the benefit of presumptions that injuries or conditions are job-related are police, corrections staff, firefighters, and other public safety professions.

Current injuries covered by presumptions:

Labor Code Section 3212.-3213.2 states that in the case of certain public safety employees, the term "injury" includes heart trouble, hernia, pneumonia (3212); cancer, including leukemia (3212.1); tuberculosis (3212.6); meningitis (3212.9); Lyme disease (3212.12); biochemical exposures (3212.85); lower back impairment (3213.2) **and** that these are all presumed to be work related and compensable through the workers' compensation system.

Labor Code Section 3212.8 states that in the case of certain public safety employees the term "injury" includes a blood-borne infectious disease (HIV; Hepatitis) or methicillin-resistant *Staphylococcus aureus* (MRSA) skin infection when any part of the blood-borne infectious disease or MRSA skin infection manifests itself during a period while that person is in the service it is presumed work related and compensable through the workers' compensation system.

PROBLEM

According to U.S. Department of Labor, health care is the second fastest growing sector of the United States economy, employing over 12 million workers. Women represent nearly 80 percent of the health care work force.

Registered nurses and hospital workers by the nature of their work, which involves ill patients and medical equipment, are in constant danger of being exposed to a variety of illnesses. Because of the physical nature of patient care, California's aging nursing workforce, combined with rising patient acuity, higher levels of exposure to infectious diseases are occurring.

Further, blood-borne diseases and methicillin-resistant *Staphylococcus aureus* (MRSA) are contact work related hazards for hospital employees. In California health care acquired infections in hospitals account for an estimated

200,000 infections and 12,000 deaths annually, according to the State Department of Public Health. MRSA is increasingly

infecting hospital workers and their patients. MRSA is one of the most virulent types of antibiotic-resistant staph infections. Although infection control measures help to stop the spread of MRSA and other blood-borne diseases they do not eliminate the job related threat of contracting MRSA or other blood-borne diseases completely.

THIS BILL

AB 808 establishes a *disputable* presumption for workers' compensation purposes that when a hospital employee contracts a blood-borne infectious disease or MRSA infection, it is presumed to have been contracted through employment with the hospital. This bill *only* applies to hospital workers that provide direct patient care in acute care hospitals (Health & Safety Code 1250(a) & (b)).

PRIOR SUPPORT INCLUDED (AB 375)

AFSCME

California Applicant Attorneys Association

California Conference Board of the Amalgamated Transit Union

California Conference of Machinists

California Labor Federation

California Nurses Association/National Nurses United (Sponsor)

California National Organization for Women

California Official Court Reporters Association

California Professional Firefighters

California Teamsters Public Affairs Council

Consumer Attorneys of California

Engineers and Scientists of California

International Longshore & Warehouse Union

Professional & Technical Engineers, Local 21

San Bernardino Public Employees Association

Utility Workers Union of America, Local 132

UNITE HERE!

United Food and Commercial Workers Union - Western States Council

United Nurses Associations of California/Union of Health Care Professionals

Utility Workers Union of America, Local 132