

16102261D

SENATE BILL NO. 92

Offered January 13, 2016

Prefiled December 22, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 65.2-402.2, relating to the Virginia Workers' Compensation Act; occupational disease presumptions for correctional officers.*

Patron—Marsden

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 65.2-402.2 as follows:****§ 65.2-402.2. Presumption as to death or disability from hypertension, heart disease, or infectious disease.**

A. Hypertension or heart disease causing the death of, or any health condition or impairment resulting in total or partial disability of, any correctional officer shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

B. Hepatitis, meningococcal meningitis, tuberculosis, methicillin-resistant *Staphylococcus aureus* (MRSA), or HIV causing the death of, or any health condition or impairment resulting in total or partial disability of, any correctional officer who has a documented occupational exposure to such disease at work shall be presumed to be an occupational disease, suffered in the line of duty, that is covered by this title unless such presumption is overcome by a preponderance of competent evidence to the contrary.

C. Persons covered under this section who have not yet incurred the requisite total or partial disability shall otherwise be entitled to make a claim for medical benefits pursuant to § 65.2-603, including entitlement to an annual medical examination to measure the progress of the condition, if any, and any other medical treatment, prophylactic or otherwise.

D. If requested by the employer, an employee shall undergo a preemployment physical examination. A presumption established by this section shall not apply if such preemployment physical examination finds the presence of hypertension, heart disease, hepatitis, meningococcal meningitis, tuberculosis, MRSA, or HIV.

E. As used in this section:

"Correctional officer" means any employee of the Department of Corrections.

"Hepatitis," "HIV," and "occupational exposure" have the same meaning assigned to those terms in § 65.2-402.1.

INTRODUCED

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