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## HOUSE BILL NO. 2243

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance  
on February 17, 2009)

(Patron Prior to Substitute—Delegate Barlow)

*A BILL for the relief of Kurt E. Beach.*

Whereas, Kurt E. Beach (Beach) is a resident of Smithfield, Virginia; and

Whereas, in 1988, Beach was serving as a police officer with the Town of Smithfield, Virginia; and

Whereas, on February 22, 1988, Beach, while in the line of duty, performed cardiopulmonary resuscitation (CPR) on a nine-month-old infant in an attempt to save the infant's life; and

Whereas, the infant had undergone multiple blood transfusions and as a result had become infected with hepatitis C; and

Whereas, during the course of performing CPR on the infant, Beach came into contact with the infant's blood; and

Whereas, Beach continued a successful career on the town's police force for several years; and

Whereas, on January 6, 1995, Beach first became aware that he had been infected with hepatitis C during a routine screening of his blood that he had donated; and

Whereas, this routine screening for the blood donation was the first screening that Beach had undergone since the contact with the infant in 1988; and

Whereas, as soon as he found out about the infection and without undue delay, Beach filed a claim under the Workers' Compensation Act because he had contracted hepatitis C from the infant while performing CPR in the line of duty; and

Whereas, Beach's claim was initially denied by a Deputy Commissioner of the Workers' Compensation Commission, who found that the claim was not filed within five years of the date of injurious exposure in the employment; and

Whereas, Beach subsequently filed an appeal and on July 10, 1996, the Commission affirmed the denial; and

Whereas, as a result of the hepatitis C infection that was contracted in the line of duty, Beach has incurred extensive medical bills and is currently awaiting a liver transplant; and

Whereas, Beach is unable to pay for the medical bills and mounting costs associated with treating the infection; and

Whereas, Kurt E. Beach has no other means to obtain adequate relief except by action of this body; now, therefore,

**Be it enacted by the General Assembly of Virginia:**

1. § 1. That to the extent private insurance is insufficient to cover his health care costs, there shall be paid for the relief of Kurt E. Beach from the Virginia Workers' Compensation Commission, upon execution of a release of all claims he may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid occurrence, an aggregate amount not to exceed \$250,000 to be paid to Kurt E. Beach subject to the conditions set forth in this enactment. If Kurt E. Beach undergoes a liver transplant, (i) \$50,000 shall be payable within the 30 days immediately following the date of the transplant, and (ii) beginning with the year of such transplant, \$20,000 shall be payable on December 31 of each year for up to 10 consecutive years for up to a total of \$200,000, provided that no such annual payment of \$20,000 shall be payable in a calendar year if Kurt E. Beach has died in a prior calendar year. Payments pursuant to this enactment shall be made by check issued by the State Treasurer on warrant of the Comptroller.