

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: HB2252

House of Origin X Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Barlow

3. Committee: Commerce and Labor

4. Title: **Workers' compensation; occupational disease presumption limitation.**

5. Summary: Establishes a limitations period in which a public safety employee may bring a compensation claim under the Workers' Compensation Act for hepatitis, meningococcal meningitis, or tuberculosis at two years after a positive test for exposure to the occupational disease is first communicated to the employee. The limitation applies only to those public safety employees who are entitled to the existing presumption that hepatitis, meningococcal meningitis, tuberculosis, or HIV for which there is a documented occupational exposure have incurred an occupational disease. Existing law provides that the limitations period for claims involving HIV is two years after a positive test for infection with human immunodeficiency virus, while the limitations period for hepatitis, meningococcal meningitis, or tuberculosis is the earlier to occur of (i) two years after a diagnosis of the disease is first communicated to the employee or (ii) five years from the date of the last injurious exposure in employment.

6. Fiscal Impact Estimates: Indeterminate

7. Budget Amendment Necessary: No

8. Fiscal Implications: This legislation may extend the period of time during which public safety employees could file a claim for workers' compensation benefits for hepatitis, meningococcal meningitis, or tuberculosis. Currently, the Virginia Workers' Compensation Act allows a claim for benefits for these occupational diseases within two years of the date the diagnosis was communicated to the employee or within five years of the last work exposure, whichever comes first.

If enacted, employers, including the Commonwealth, would carry the risk of a claim from public safety employees for these diseases indefinitely, so long as it was filed within two years of the diagnosis and the employee ever had an occupational exposure. Although it is not possible to forecast the number of state employee claims that may be filed in the future under this legislation, because the Commonwealth has experienced based premiums, agencies would bear any increased cost to the State Employee Workers' Compensation Services.

9. Specific Agency or Political Subdivisions Affected: Workers' Compensation Commission, Department of Human Resource Management, all public safety state agencies

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 1/19/2009 ckb

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