

Department of Planning and Budget 2009 Fiscal Impact Statement

1. Bill Number: SB821

House of Origin	<u>X</u>	Introduced	<u> </u>	Substitute	<u> </u>	Engrossed
Second House	<u> </u>	In Committee	<u> </u>	Substitute	<u> </u>	Enrolled

2. Patron: Stuart

3. Committee: Commerce and Labor

4. Title: **Workers' compensation; presumption that injury arises out of employment.**

5. Summary: Creates a presumption that a workplace injury results from an accident arising out of employment for purposes of the Workers' Compensation Act if the employee is found dead or to have incurred a brain injury resulting from external mechanical force that impairs the employee's brain function to such an extent that the employee is incapable of recalling the relevant circumstances of the accident. A judicially created presumption currently exists when an employee is found dead as the result of an accident at his place of work and there is no evidence offered to show what caused the death or to show that he was not engaged in his employer's business at the time.

6. Fiscal Impact Estimates: Indeterminate

7. Budget Amendment Necessary: No

8. Fiscal Implications: This legislation could significantly increase the cost of claims to the Commonwealth as brain injury cases are among the most expensive and long term claims, carrying the likelihood of permanent partial or permanent total disability and payment of lost wage benefits for the lifetime of the employee.

9. Specific Agency or Political Subdivisions Affected: Workers' Compensation Commission, Department of Human Resource Management

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 1/12/2009 ckb

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