

## **Department of Planning and Budget**

### **2016 Fiscal Impact Statement**

**1. Bill Number:** SB565

<b>House of Origin</b>	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
<b>Second House</b>	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** DeSteph

**3. Committee:** Commerce and Labor

**4. Title:** Workers' compensation; presumption of compensability for certain diseases.

**5. Summary:** Expands the current list of diseases that are presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act if contracted by firefighters and certain officers to include any malignancy or chronic medical condition. The claimant is required to have had an exposure to a toxic substance encountered in the line of duty. The definition of "toxic substance" is expanded to include a substance that causes, or is suspected to cause, a chronic medical condition.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Indeterminate – see Item 8.

**8. Fiscal Implications:** According to the Worker's Compensation Program at the Department of Human Resource Management, the proposed language broadly adds many conditions to the list of diseases that are presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act that it is not possible to determine the fiscal impact. These claims would also be difficult to defend since the effect of the presumption is to shift the burden of proof from the injured worker to the employer. The proposed legislation would not require the employee to prove that the condition, disease, or injury was caused by the work; rather the employer must prove that it did not.

**9. Specific Agency or Political Subdivisions Affected:** Workers' Compensation Commission, Department of Human Resource Management, Department of Emergency Management, Department of State Police, and Department of Motor Vehicles.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.