

HOUSE No. 2413

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to public employee disability benefits for certain employees employed by the commonwealth and its political subdivisions..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter thirty-two, is hereby adding the following
2 definitions:—"First Responder", a health care worker, police officer, fire fighter and emergency
3 medical technician."Health care worker", shall include, but not be limited to: licensed physician,
4 dentist, registered nurse, licensed practical nurse, physician assistant, psychologist, social worker
5 and other health professional worker; nurses aide, orderly, laboratory technician, emergency
6 medical technician, surgical technician, medical or surgical assistant, dental hygienist, dental
7 assistant, licensed therapist, therapy assistant, psychiatric aide and other health care service
8 provider; housekeeper, janitor, food service aide, transportation aide, security officer and other
9 ancillary personnel.

10 SECTION 2. Amend Massachusetts General Laws, Chapter 32 — Civil Service, by
11 adding new sections:—Section 94C. Disability or death caused by AIDS or HIV infection; first
12 responder in public employ; presumption.Section 94C(1). Notwithstanding the provisions of any
13 general or special law to the contrary, any condition of AIDS or HIV infection resulting in

disability or death to a first responder employed by any state, county or local entity shall, if he or she consented to a baseline collection for HIV serologic testing which tests negative for HIV, but subsequent collection tests positive for HIV, be presumed to have been suffered in the course of his or her employment. The provision of this section shall apply only if the disabling or fatal condition is a type which may, in general, result from exposure to known or suspected bloodborne pathogens as determined by the Federal Center for Disease Control (CDC).

(2) Nothing herein shall preclude a first responder from applying for and receiving benefits under any other provisions of the General Laws related to work-incurred injuries and diseases. Section 94D. Extension of benefits for first responders suffering from work related infection of AIDS, or HIV. A first responder employed by state, county or local entity who is determined to be infected with AIDS or HIV shall have the right to continue to work as long as his or her attending physician believes there is no danger to the first responder to his or her patient, with no loss in salary, seniority status, grade or benefits, including, but not limited to health insurance. Nor shall there be any discrimination by the employer against the employee. Section 94E. Supplementary Employer Payments for Certain Workers. When a first responder employed by state, county or local entity has been found to be disabled due to personal injuries, as a result of HIV infection arising out of his employment, as determined in Section 94C(1) of this Chapter, the employer shall supplement any workers compensation established under this chapter by an amount equal to the difference between this amount and the worker's average weekly salary.

Section 94F. Special Disability Insurance. Each employer in Massachusetts shall provide a minimum of \$100,000 of special disability insurance to any first responder in his employ who is found to be HIV infected from a work-related exposure. All policies regarding the

37 establishment of diagnosis of HIV infection shall follow the Standards on Blood Borne
38 Pathogens of the federal Occupational Safety and Health Administration (OSHA) as published
39 on December 2, 1991.

40 Section 94G. Special life insurance for HIV-infected workers. Each employer of a first
41 responder in Massachusetts found to be infected by HIV as a result of a work-related exposure as
42 determined by the Standard of Blood Borne Pathogens of the federal Occupational Safety and
43 Health Administration shall provide him or her with a life insurance policy equal to twice the
44 worker's most recent annual salary and to include so-called reverse-life provisions when
45 available.