

# A.B. 1156 WORKERS' COMPENSATION FOR FRONTLINE HEALTH CARE WORKERS

## Assemblymember Mia Bonta

### BACKGROUND

Workers' compensation is a form of insurance that provides medical benefits and wage replacement to an employee who is injured in the course of employment, regardless of whether the employee was at fault. For a few select professions, some workers do not have to prove that certain diseases and injuries were a result of their employment when they first file a workers' compensation claim: these are called workers' compensation presumptions.

Workers' compensation presumptions exist for certain first responder professions, such as firefighters, because they are inevitably exposed to dozens of potential illnesses as a condition of their work; many of which lead to health issues such as infectious diseases, respiratory diseases (including Covid-19), and cancer.

Presumptions are a way to streamline treatment for workers by reducing the burden of proof that their injury or illness was caused by the nature of their employment. These illnesses and injuries are simply presumed to be caused by the nature of the employee's work. This protects the employee from hospital or surgical costs associated with the health issue.

### PROBLEM

Only certain types of frontline professionals are currently eligible for workers' compensation presumptions. These include professions such as EMTs, paramedics, firefighters and police officers; all of which are male dominated fields. Meanwhile, workers on the frontline who work in health care settings, such as nurses, are not entitled to permanent workers' compensation presumptions. This is despite the fact that nurses treat the same patients in hospitals that public safety officers

are treating in the field. Workers' compensation presumptions should be available for all frontline professions who are at risk of the same illnesses and injuries due to the nature of their work.

### SOLUTION

Presumptive eligibility for registered nurses is vital policy that will protect workers as this global pandemic rages and beyond the pandemic.

The proposed legislation would recognize that health care workers, such as nurses, are on the frontline and face many of the same health risks as public safety officers. Specifically, this bill creates a workers' compensation rebuttable presumption for hospital employees who provide direct patient care in an acute hospital setting for issues such as infectious disease, respiratory disease (including Covid-19) cancer, post-traumatic stress disorder, and musculoskeletal injuries.

The bill will modernize outdated California laws by making it easier for registered nurses to access the workers' compensation system, just like the law currently protects other frontline health care workers. This will ensure all frontline health care workers have access to the same workers' compensation presumptions, and is a vital step in achieving economic and gender equality.

### CONTACT

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