

SB 213 FRONTLINE HEALTH CARE WORKER WORKERS' COMPENSATION

Senator Dave Cortese

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. Certain diseases and injuries for a few select professions are automatically covered by workers' compensation without having to prove the illness derived from their employment; 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 front-line 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 front line who work in health care settings, such as nurses, are not entitled to 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 front-line professions who are at risk of the same illnesses and injuries due to the nature of their work.

SOLUTION

SB 213 is vital policy that will protect workers as this global pandemic rages and beyond the pandemic.

SB 213 recognizes that health care workers such as nurses are on the front line 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.

SB 213 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 front-line health care workers. This will ensure all front-line health care workers have access to the same workers' compensation presumptions, and is a vital step in achieving economic and gender equality.

SUPPORT

California Nurses Association (sponsor)

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