

HB 84

“An Act relating to the presumption of compensability for a disability resulting from certain diseases for firefighters, emergency medical technicians, and peace officers”

Sponsor: Representative Andy Josephson
Staff: Elise Sorum-Birk

Purpose of the bill

- Firefighters are already covered in current law
- To extend “presumption of compensability” for certain diseases to three more professions:
 - Emergency Medical Technicians
 - Peace Officers
 - Paramedic
- These first responder professions often are exposed to the same dangerous situations and toxins that firefighters are

What is “presumptive” legislation?

- With work-related illness or injury-
 - Typically worker must prove their ailment is a result of occupational exposures
- With presumptive legislation-
 - Line-of-duty claim, and subsequent benefits, can be automatically approved as long as the specific criteria are met under the state’s regulations
 - Some states choose broad language and some choose to be much more specific

Alaska's Criteria

- Narrowly defined and limited in AS 23.30.121
 - Presumption of coverage may be rebutted based on tobacco use, physical fitness, weight, lifestyle, hereditary factors, exposure from other employment or non-employment activities
 - May not extend for more than 3 months for each year of service or 60 months following last date of employment
 - Only to those who have served for a minimum of seven years
 - Only to individuals who have undergone qualifying medical exam and requisite annual exams with no evidence of disease
 - Only if the individual with cancer was exposed to known carcinogens in the course of employment

Sectional Analysis

- Section 1:
 - Amends AS 23.30.121(b) throughout to add emergency medical technician, paramedic and peace officer to professions presumed covered for disability or disease.
 - Creates a new section to include breast cancer under diseases for which a covered professional can claim compensation.
 - Extends coverage to certain professionals who entered active service prior to August 19, 2008.
- Section 2, Section 3, Section 4:
 - Includes emergency medical technician, paramedic and peace officer among presumptively covered professions
- Section 5:
 - Provides definitions of “emergency medical technician,” “firefighter,” “paramedic,” and “peace officer.”
- Section 6:
 - Clarifies that AS 23.30.121 as amended applies to claims made on or after the effective date of this Act.
- Section 7:
 - Encourages revisors to update catch line of AS 23.30.121 to reflect changes made by this Act.

Diseases covered in Alaska

- Currently covered: respiratory disease, certain cardiovascular events related to toxin exposure, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, kidney cancer, prostate cancer
- Added by HB 84: breast cancer
 - Emerging literature suggests a higher rate of breast cancer among women firefighters

First responders who entered service prior to August 19, 2008

- AS 23.30.121(b)(4)-Allows these individuals to be covered if a firefighter, emergency medical technician, paramedic, or peace officer
 - received “all medical examination provided by the department”
 - no evidence of the disease during the first seven years of employment
- August 19, 2008 is date of original enactment of “presumptive” legislation in Alaska

Expands definition of firefighter

- Adds firefighters who are state employees to the definition of firefighter

Conclusion

- A question of providing similar protections to professional and volunteers who take comparable risk
- Protecting those who protect our state and communities

Questions?