

# HB3112



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3112

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

820 ILCS 305/6

from Ch. 48, par. 138.6

Amends the Workers' Compensation Act. Provides that, with respect to firefighters and emergency medical technicians, a contagious staph infection, including Methicillin-resistant Staphylococcus Aureus (MRSA), is rebuttably presumed to arise out of and in the course of employment. Effective immediately.

LRB101 07618 JLS 52665 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Workers' Compensation Act is amended by  
5 changing Section 6 as follows:

6 (820 ILCS 305/6) (from Ch. 48, par. 138.6)

7 Sec. 6. (a) Every employer within the provisions of this  
8 Act, shall, under the rules and regulations prescribed by the  
9 Commission, post printed notices in their respective places of  
10 employment in such number and at such places as may be  
11 determined by the Commission, containing such information  
12 relative to this Act as in the judgment of the Commission may  
13 be necessary to aid employees to safeguard their rights under  
14 this Act in event of injury.

15 In addition thereto, the employer shall post in a  
16 conspicuous place on the place of the employment a printed or  
17 typewritten notice stating whether he is insured or whether he  
18 has qualified and is operating as a self-insured employer. In  
19 the event the employer is insured, the notice shall state the  
20 name and address of his insurance carrier, the number of the  
21 insurance policy, its effective date and the date of  
22 termination. In the event of the termination of the policy for  
23 any reason prior to the termination date stated, the posted

1 notice shall promptly be corrected accordingly. In the event  
2 the employer is operating as a self-insured employer the notice  
3 shall state the name and address of the company, if any,  
4 servicing the compensation payments of the employer, and the  
5 name and address of the person in charge of making compensation  
6 payments.

7 (b) Every employer subject to this Act shall maintain  
8 accurate records of work-related deaths, injuries and illness  
9 other than minor injuries requiring only first aid treatment  
10 and which do not involve medical treatment, loss of  
11 consciousness, restriction of work or motion, or transfer to  
12 another job and file with the Commission, in writing, a report  
13 of all accidental deaths, injuries and illnesses arising out of  
14 and in the course of the employment resulting in the loss of  
15 more than 3 scheduled work days. In the case of death such  
16 report shall be made no later than 2 working days following the  
17 accidental death. In all other cases such report shall be made  
18 between the 15th and 25th of each month unless required to be  
19 made sooner by rule of the Commission. In case the injury  
20 results in permanent disability, a further report shall be made  
21 as soon as it is determined that such permanent disability has  
22 resulted or will result from the injury. All reports shall  
23 state the date of the injury, including the time of day or  
24 night, the nature of the employer's business, the name,  
25 address, age, sex, conjugal condition of the injured person,  
26 the specific occupation of the injured person, the direct cause

1 of the injury and the nature of the accident, the character of  
2 the injury, the length of disability, and in case of death the  
3 length of disability before death, the wages of the injured  
4 person, whether compensation has been paid to the injured  
5 person, or to his or her legal representative or his heirs or  
6 next of kin, the amount of compensation paid, the amount paid  
7 for physicians', surgeons' and hospital bills, and by whom  
8 paid, and the amount paid for funeral or burial expenses if  
9 known. The reports shall be made on forms and in the manner as  
10 prescribed by the Commission and shall contain such further  
11 information as the Commission shall deem necessary and require.  
12 The making of these reports releases the employer from making  
13 such reports to any other officer of the State and shall  
14 satisfy the reporting provisions as contained in the Safety  
15 Inspection and Education Act, the Health and Safety Act, and  
16 the Occupational Safety and Health Act. The reports filed with  
17 the Commission pursuant to this Section shall be made available  
18 by the Commission to the Director of Labor or his  
19 representatives and to all other departments of the State of  
20 Illinois which shall require such information for the proper  
21 discharge of their official duties. Failure to file with the  
22 Commission any of the reports required in this Section is a  
23 petty offense.

24 Except as provided in this paragraph, all reports filed  
25 hereunder shall be confidential and any person having access to  
26 such records filed with the Illinois Workers' Compensation

1 Commission as herein required, who shall release any  
2 information therein contained including the names or otherwise  
3 identify any persons sustaining injuries or disabilities, or  
4 give access to such information to any unauthorized person,  
5 shall be subject to discipline or discharge, and in addition  
6 shall be guilty of a Class B misdemeanor. The Commission shall  
7 compile and distribute to interested persons aggregate  
8 statistics, taken from the reports filed hereunder. The  
9 aggregate statistics shall not give the names or otherwise  
10 identify persons sustaining injuries or disabilities or the  
11 employer of any injured person or person with a disability.

12 (c) Notice of the accident shall be given to the employer  
13 as soon as practicable, but not later than 45 days after the  
14 accident. Provided:

15 (1) In case of the legal disability of the employee or  
16 any dependent of a deceased employee who may be entitled to  
17 compensation under the provisions of this Act, the  
18 limitations of time by this Act provided do not begin to  
19 run against such person under legal disability until a  
20 guardian has been appointed.

21 (2) In cases of injuries sustained by exposure to  
22 radiological materials or equipment, notice shall be given  
23 to the employer within 90 days subsequent to the time that  
24 the employee knows or suspects that he has received an  
25 excessive dose of radiation.

26 No defect or inaccuracy of such notice shall be a bar to

1 the maintenance of proceedings on arbitration or otherwise by  
2 the employee unless the employer proves that he is unduly  
3 prejudiced in such proceedings by such defect or inaccuracy.

4 Notice of the accident shall give the approximate date and  
5 place of the accident, if known, and may be given orally or in  
6 writing.

7 (d) Every employer shall notify each injured employee who  
8 has been granted compensation under the provisions of Section 8  
9 of this Act of his rights to rehabilitation services and advise  
10 him of the locations of available public rehabilitation centers  
11 and any other such services of which the employer has  
12 knowledge.

13 In any case, other than one where the injury was caused by  
14 exposure to radiological materials or equipment or asbestos  
15 unless the application for compensation is filed with the  
16 Commission within 3 years after the date of the accident, where  
17 no compensation has been paid, or within 2 years after the date  
18 of the last payment of compensation, where any has been paid,  
19 whichever shall be later, the right to file such application  
20 shall be barred.

21 In any case of injury caused by exposure to radiological  
22 materials or equipment or asbestos, unless application for  
23 compensation is filed with the Commission within 25 years after  
24 the last day that the employee was employed in an environment  
25 of hazardous radiological activity or asbestos, the right to  
26 file such application shall be barred.

1           If in any case except one where the injury was caused by  
2 exposure to radiological materials or equipment or asbestos,  
3 the accidental injury results in death application for  
4 compensation for death may be filed with the Commission within  
5 3 years after the date of death where no compensation has been  
6 paid or within 2 years after the date of the last payment of  
7 compensation where any has been paid, whichever shall be later,  
8 but not thereafter.

9           If an accidental injury caused by exposure to radiological  
10 material or equipment or asbestos results in death within 25  
11 years after the last day that the employee was so exposed  
12 application for compensation for death may be filed with the  
13 Commission within 3 years after the date of death, where no  
14 compensation has been paid, or within 2 years after the date of  
15 the last payment of compensation where any has been paid,  
16 whichever shall be later, but not thereafter.

17           (e) Any contract or agreement made by any employer or his  
18 agent or attorney with any employee or any other beneficiary of  
19 any claim under the provisions of this Act within 7 days after  
20 the injury shall be presumed to be fraudulent.

21           (f) Any condition or impairment of health of an employee  
22 employed as a firefighter, emergency medical technician (EMT),  
23 emergency medical technician-intermediate (EMT-I), advanced  
24 emergency medical technician (A-EMT), or paramedic which  
25 results directly or indirectly from any bloodborne pathogen,  
26 contagious staph infection, including Methicillin-resistant

1 Staphylococcus aureus (MRSA), lung or respiratory disease or  
2 condition, heart or vascular disease or condition,  
3 hypertension, tuberculosis, or cancer resulting in any  
4 disability (temporary, permanent, total, or partial) to the  
5 employee shall be rebuttably presumed to arise out of and in  
6 the course of the employee's firefighting, EMT, or paramedic  
7 employment and, further, shall be rebuttably presumed to be  
8 causally connected to the hazards or exposures of the  
9 employment. This presumption shall also apply to any hernia or  
10 hearing loss suffered by an employee employed as a firefighter,  
11 EMT, EMT-I, A-EMT, or paramedic. However, this presumption  
12 shall not apply to any employee who has been employed as a  
13 firefighter, EMT, or paramedic for less than 5 years at the  
14 time he or she files an Application for Adjustment of Claim  
15 concerning this condition or impairment with the Illinois  
16 Workers' Compensation Commission. The rebuttable presumption  
17 established under this subsection, however, does not apply to  
18 an emergency medical technician (EMT), emergency medical  
19 technician-intermediate (EMT-I), advanced emergency medical  
20 technician (A-EMT), or paramedic employed by a private employer  
21 if the employee spends the preponderance of his or her work  
22 time for that employer engaged in medical transfers between  
23 medical care facilities or non-emergency medical transfers to  
24 or from medical care facilities. The changes made to this  
25 subsection by Public Act 98-291 shall be narrowly construed.  
26 The Finding and Decision of the Illinois Workers' Compensation



1 Commission under only the rebuttable presumption provision of  
2 this subsection shall not be admissible or be deemed res  
3 judicata in any disability claim under the Illinois Pension  
4 Code arising out of the same medical condition; however, this  
5 sentence makes no change to the law set forth in Krohe v. City  
6 of Bloomington, 204 Ill.2d 392.

7 (Source: P.A. 98-291, eff. 1-1-14; 98-874, eff. 1-1-15; 98-973,  
8 eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff. 7-27-15.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.