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Office of Research
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H.B. 81
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 81's Bill Analysis](#)

Version: As Passed by the Senate

Primary Sponsor: Rep. Perales

Local Impact Statement Procedure Required: No

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Highlights

- The net effect of three of the bill's provisions may result in additional costs for the State Insurance Fund or self-insuring public employers. Any increase in such costs is likely to be minimal. If the increase is significant, it could affect premiums paid by public employers that are receiving benefits from the fund or costs to self-insuring public employers. Revenues from such premiums are used to offset such costs.

Detailed Analysis

Under current law, the Administrator of the Bureau of Workers' Compensation (BWC) or a self-insuring public employer must pay for the cost of conducting post-exposure medical diagnostic services when certain persons sustain an injury or occupational disease from coming into contact with the blood or other body fluid of another person in the course of and arising out of the person's employment. The following employees are covered by the post-exposure testing requirement: a peace officer who has arrest powers under the Arrest, Citation, and Disposition Alternatives Law (a correction officer is not considered a peace officer for this law); a paid or volunteer firefighter of a lawfully constituted fire department; and a paid or volunteer emergency medical worker, which is a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under the Emergency Medical Services Law.

The bill expands the post-exposure testing requirement to include detention facility employees (correction employees). The bill also requires BWC or a self-insuring public employer, or a detention facility that is a self-insuring employer to pay for the cost of conducting post-exposure medical diagnostic services used to determine whether specified safety officers sustained an injury or occupational disease after exposure to a drug or other chemical substance.

The bill requires a claim for an additional award of compensation for a violation of a specific safety rule to be filed within one year of the injury, death, or diagnosis of disability due to occupational disease; under the current administrative rule, it must be filed within two years. The bill also increases from \$5,500 to \$7,500 the maximum amount payable for funeral expenses when an employee dies from a compensable injury or occupational disease. The bill includes other provisions that have no significant fiscal effects; please see the bill analysis for details.

Fiscal effect

The post-exposure testing requirement may result in additional cases of employees who need such tests, which could increase health care costs for such testing. Those costs are paid from the State Insurance Fund or by self-insuring public employers. The provision related to funeral expenses would increase the amount of benefits paid from the State Insurance Fund. The reduction in time to file a claim for additional compensation may decrease benefits paid from the State Insurance Fund.

According to a BWC official, any potential net increase in such costs is likely to be minimal and would not affect public employers' experience ratings or require a premium increase. However, if the increase is significant, it would affect public employers' experience ratings and workers' compensation premiums paid to the State Insurance Fund or costs paid by self-insuring employers.