

Workers' Compensation Claims Management Guidelines for Exposure to Blood and Other Body Fluids Under SB 223/ORC 4123.026

Senate Bill (SB) 223/Ohio Revised Code (ORC) 4123.026 applies only to peace officers, firefighters, or emergency medical workers employed by or volunteering for public and private state-fund, and self-insuring public employers.

The law requires BWC and self-insuring public employers to pay for post-exposure medical services when covered employees come into physical contact with blood or other body fluids. This applies even if the employee did not sustain a physical injury or contract an occupational disease.

Who is eligible to receive workers' compensation benefits under BWC's exposure to blood and other body fluids policy? SB 223/ORC 4123.026

Covered employees, such as peace officers, firefighters and emergency medical workers employed by or volunteering for public and private state-fund, and self-insuring public employers are defined by SB 223/ORC 4123.026 as:

- **Peace officers:** Includes sheriffs, deputy sheriffs, marshals, deputy marshals or members of an organized police department. They generally work for a city, county or state public employer. Peace officers are not limited to traditional law enforcement officers. Certain park rangers, tax and liquor agents, officers of metropolitan housing authorities or transit authorities, and others also are considered peace officers. For more detail, refer to section 2935.01 of the Ohio Revised Code;
- **Firefighters:** Whether paid or volunteer, of a lawfully constituted fire department;
- **Emergency medical workers:** First responders, emergency medical technicians-basic, emergency medical technicians-intermediate or emergency medical technicians-paramedic, certified under Chapter 4765 of the Ohio Revised Code, whether paid or volunteer.

What is covered under BWC's exposure to blood and other body fluids policy? SB 223/ORC 4123.026

Covered employees must come into contact with another person's blood or other body fluid in one of several specific ways. One way is from splash or splatter in the eye or mouth. This includes when the contact occurs in the course of conducting mouth-to-mouth resuscitation. Another way is when the blood or other body fluid comes into contact with a puncture of the skin, or a cut in the skin or other opening in the skin, such as an open sore, wound, lesion, abrasion or ulcer.

Note: Only contact with blood and other body fluids are covered. Air-borne exposures to a disease are not covered under this provision.

When should a workers' compensation exposure claim be filed?

If covered employees come into contact with another person's blood or other body fluids while in the course of their job duties, they can file an exposure claim pursuant to SB 223/ORC 4123.026.

How are claims filed?

It's easy to file a claim.

- Employees should alert their human resources or employee benefits department if they need to file a claim.
- Self-insuring public employers handle workers' compensation claims, including payment of medical services.
- Employees who are not employed by self-insuring public employers can file claims online at www.bwc.ohio.gov. Choose Injured worker, then Forms, then *FROI – First Report of Injury, Occupational Disease or Death* form.
- Employees and providers can complete and submit the *FROI* online at www.bwc.ohio.gov; notify the employer's managed care organization (MCO); or call **1-800-644-6292**.
- Employees and providers should indicate "alleged exposure to blood or other body fluids" in the Description of accident section.

What documentation is necessary to support the exposure claim?

Self-insuring public employers or BWC will gather the following information to investigate exposure claims:

- *FROI*;
- Medical documentation, such as emergency room records, notes or reports from the treating doctor or facility.

SB 223/ORC 4123.026 – Exposure claims
Effective for dates of occurrence on or after March 14, 2003

Exposure and physical contact with physical injury	Exposure and physical contact without physical injury	Exposure and no physical contact, and without physical injury
A peace officer, firefighter or emergency medical technician has been exposed to blood or other body fluids and has sustained a physical injury.	A peace officer, firefighter or emergency medical technician has been exposed to blood or other body fluids but did not sustain a physical injury.	A peace officer, firefighter or emergency medical technician had an air-borne exposure but did not sustain a physical injury. Note: SB223/ORC 4123.026 does not cover these events. BWC will <u>not</u> pay for testing under these circumstances.
Check list	Check list	Check list
Covered employee: <input type="checkbox"/> Was physically injured; <input type="checkbox"/> Had another person’s blood or other body fluid splashed on: <ul style="list-style-type: none"> ● His/her eyes or mouth; ● Puncture of the skin; ● Cut or opening in his/her skin (sore, etc.). 	Covered employee: <input type="checkbox"/> Was <u>not</u> physically injured; <input type="checkbox"/> Had another person’s blood or other body fluid splashed on: <ul style="list-style-type: none"> ● His/her eyes or mouth; ● Puncture of the skin; ● Cut or opening in his/her skin (sore, etc.). 	Employee: <input type="checkbox"/> Was <u>not</u> physically injured; <input type="checkbox"/> Did <u>not</u> have physical contact with another person’s blood or other body fluid; <input type="checkbox"/> Was exposed to an air-borne condition such as tuberculosis, whooping cough and/or meningitis or other infectious disease without physical contact with blood or body fluid.

What will workers’ compensation cover?

Workers’ compensation will cover the costs of conducting post-exposure medical diagnostic services to investigate whether the employee contracted an occupational disease from contact with another person’s blood or other body fluids through any of the following methods:

- Splash or spatter in the eye or mouth, including when received in the course of conducting mouth-to-mouth resuscitation;
- Puncture of the skin;
- Cut in the skin or another opening in the skin, such as an open sore, wound, lesion, abrasion or ulcer.

If the injured worker is exposed as covered by the law, and there is no physical injury or occupational disease, BWC will deny the claim. However, it will pay for testing and preventive care in accordance with the Occupational Safety & Health Administration and the Centers for Disease Control and Prevention’s (CDC’s) exposure treatment protocol. In addition, if the injured worker contracts a disease after BWC has denied the initial claim, it will re-consider the claim.

What if the employee contracts a disease from the exposure?

If a covered employee contracts a disease from exposure to blood or other body fluids at work during an event in which a physical injury had occurred and BWC allowed the

claim the employee may file to have the claim amended for the disease. BWC may allow the claim as an occupational disease claim.

The date of disability in an occupational disease claim is the most recent of the following three dates available at the time the claim is filed:

- Date the injured worker was first diagnosed with the occupational disease;
- Date the injured worker first received medical treatment for the occupational disease;
- Date the injured worker first quit work because of the medical occupational disease.

If a covered employee contracts a disease from exposure to blood or other body fluids after being exposed at work during an event in which a physical injury did not occur and BWC disallowed the claim filed, the employee may file a new claim. BWC may allow the claim as an occupational disease claim.

Questions?

The complete policy is available online. To view the policy, choose BWC Library, then select Policies and then Claims Policy.