

Conference Engrossed

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 230

SENATE BILL 1127

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-1043.04; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 6, article 8, Arizona Revised Statutes,
3 is amended by adding section 23-1043.04, to read:

4 23-1043.04. Methicillin-resistant staphylococcus aureus; spinal
5 meningitis; tuberculosis; establishing exposure;
6 definitions

7 A. A CLAIM FOR A CONDITION, INFECTION, DISEASE OR DISABILITY INVOLVING
8 OR RELATED TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS
9 OR TUBERCULOSIS SHALL INCLUDE THE OCCURRENCE OF A SIGNIFICANT EXPOSURE AS
10 DEFINED IN THIS SECTION AND, EXCEPT AS PROVIDED IN SUBSECTION B OF THIS
11 SECTION, SHALL BE PROCESSED AND DETERMINED UNDER THIS CHAPTER AND APPLICABLE
12 PRINCIPLES OF LAW.

13 B. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE WHO SATISFIES THE
14 FOLLOWING CRITERIA PRESENTS A PRIMA FACIE CLAIM FOR A CONDITION, INFECTION,
15 DISEASE OR DISABILITY INVOLVING OR RELATED TO METHICILLIN-RESISTANT
16 STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR TUBERCULOSIS IF THE MEDICAL
17 EVIDENCE SHOWS TO A REASONABLE DEGREE OF MEDICAL PROBABILITY THAT THE
18 EMPLOYEE SUSTAINED A SIGNIFICANT EXPOSURE WITHIN THE MEANING OF THIS SECTION:

19 1. THE EMPLOYEE'S REGULAR COURSE OF EMPLOYMENT INVOLVES HANDLING OF OR
20 EXPOSURE TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR
21 TUBERCULOSIS.

22 2. WITHIN TEN CALENDAR DAYS AFTER A POSSIBLE SIGNIFICANT EXPOSURE THAT
23 ARISES OUT OF AND IN THE COURSE OF EMPLOYMENT, THE EMPLOYEE REPORTS IN
24 WRITING TO THE EMPLOYER THE DETAILS OF THE EXPOSURE. THE EMPLOYER SHALL
25 NOTIFY ITS INSURANCE CARRIER OR CLAIMS PROCESSOR OF THE REPORT. FAILURE OF
26 THE EMPLOYER TO NOTIFY THE INSURANCE CARRIER IS NOT A DEFENSE TO A CLAIM BY
27 THE EMPLOYEE.

28 3. FOR A CLAIM INVOLVING METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS,
29 THE EMPLOYEE IS DIAGNOSED WITH METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS
30 WITHIN TWO TO TEN DAYS OF THE POSSIBLE SIGNIFICANT EXPOSURE.

31 4. FOR A CLAIM INVOLVING SPINAL MENINGITIS, THE EMPLOYEE IS DIAGNOSED
32 WITH SPINAL MENINGITIS WITHIN TWO TO EIGHTEEN DAYS OF THE POSSIBLE
33 SIGNIFICANT EXPOSURE.

34 5. FOR A CLAIM INVOLVING TUBERCULOSIS, THE EMPLOYEE IS DIAGNOSED WITH
35 TUBERCULOSIS WITHIN TWELVE WEEKS OF THE POSSIBLE SIGNIFICANT EXPOSURE.

36 C. ON PRESENTATION OR SHOWING OF A PRIMA FACIE CLAIM UNDER THIS
37 SECTION, THE EMPLOYER MAY PRODUCE SPECIFIC, RELEVANT AND PROBATIVE EVIDENCE
38 TO DISPUTE THE UNDERLYING FACTS, TO CONTEST WHETHER THE EXPOSURE WAS
39 SIGNIFICANT AS DEFINED IN THIS SECTION OR TO ESTABLISH AN ALTERNATIVE
40 SIGNIFICANT EXPOSURE INVOLVING THE PRESENCE OF METHICILLIN-RESISTANT
41 STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR TUBERCULOSIS.

42 D. A PERSON ALLEGED TO BE A SOURCE OF A SIGNIFICANT EXPOSURE SHALL NOT
43 BE COMPELLED BY SUBPOENA OR OTHER COURT ORDER TO RELEASE CONFIDENTIAL
44 INFORMATION RELATING TO METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL
45 MENINGITIS OR TUBERCULOSIS EITHER BY DOCUMENT OR BY ORAL TESTIMONY. EVIDENCE

1 OF THE ALLEGED SOURCE'S METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL
2 MENINGITIS OR TUBERCULOSIS STATUS MAY BE INTRODUCED BY EITHER PARTY IF THE
3 ALLEGED SOURCE KNOWINGLY AND WILLINGLY CONSENTS TO THE RELEASE OF THAT
4 INFORMATION.

5 E. NOTWITHSTANDING TITLE 36, CHAPTER 6, ARTICLE 4, MEDICAL INFORMATION
6 REGARDING THE EMPLOYEE OBTAINED BY A PHYSICIAN OR SURGEON IS SUBJECT TO
7 SECTION 23-908, SUBSECTION D.

8 F. THE COMMISSION BY RULE SHALL PRESCRIBE REQUIREMENTS AND FORMS
9 REGARDING EMPLOYEE NOTIFICATION OF THE REQUIREMENTS OF THIS SECTION AND THE
10 PROPER DOCUMENTATION OF A SIGNIFICANT EXPOSURE.

11 G. NOTWITHSTANDING ANY OTHER LAW, EXPENSES FOR POSTEXPOSURE EVALUATION
12 AND FOLLOW-UP, INCLUDING REASONABLY REQUIRED PROHYLACTIC TREATMENT, FOR
13 SPINAL MENINGITIS OR TUBERCULOSIS, SHALL BE A MEDICAL BENEFIT UNDER SECTION
14 23-1061 OR 23-1062 FOR ANY SIGNIFICANT EXPOSURE THAT ARISES OUT OF AND IN THE
15 COURSE OF EMPLOYMENT IF THE EMPLOYEE FILES A CLAIM UNDER THIS ARTICLE FOR THE
16 SIGNIFICANT EXPOSURE OR THE EMPLOYEE REPORTS IN WRITING TO THE EMPLOYER THE
17 DETAILS OF THE EXPOSURE. PROVIDING POSTEXPOSURE EVALUATION AND FOLLOW-UP,
18 INCLUDING PROHYLACTIC TREATMENT, DOES NOT CONSTITUTE ACCEPTANCE OF A CLAIM
19 FOR A CONDITION, INFECTION, DISEASE OR DISABILITY INVOLVING OR RELATED TO THE
20 SIGNIFICANT EXPOSURE.

21 H. FOR THE PURPOSES OF THIS SECTION:

22 1. "EMPLOYEE" MEANS FIREFIGHTERS, LAW ENFORCEMENT OFFICERS,
23 CORRECTIONS OFFICERS, PROBATION OFFICERS, EMERGENCY MEDICAL TECHNICIANS AND
24 PARAMEDICS WHO ARE NOT EMPLOYED BY A HEALTH CARE INSTITUTION AS DEFINED IN
25 SECTION 36-401.

26 2. "SIGNIFICANT EXPOSURE" MEANS EXPOSURE IN THE COURSE OF EMPLOYMENT
27 TO AEROSOLIZED BACTERIA FOR CLAIMS UNDER THIS SECTION RELATING TO
28 METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS, SPINAL MENINGITIS OR
29 TUBERCULOSIS. SIGNIFICANT EXPOSURE INCLUDES EXPOSURE IN THE COURSE OF
30 EMPLOYMENT TO BODILY FLUIDS OR SKIN FOR CLAIMS UNDER THIS SECTION RELATING TO
31 METHICILLIN-RESISTANT STAPHYLOCOCCUS AUREUS.

APPROVED BY THE GOVERNOR MAY 24, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 24, 2007.

Passed the House April 2, 20 07,

by the following vote: 53 Ayes,

2 Nays, 5 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate February 5, 20 07,

by the following vote: 28 Ayes,

2 Nays, 0 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1127

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,

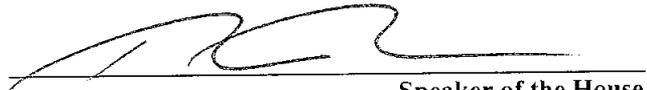
at _____ o'clock _____ M.

Secretary of State

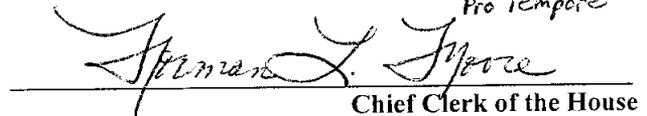
HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House May 21, 2007,
by the following vote: 57 Ayes,

0 Nays, 3 Not Voting



Speaker, of the House
Pro Tempore


Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate May 14, 2007,
by the following vote: 26 Ayes,

2 Nays, 2 Not Voting



President of the Senate


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor

this 22nd day of May, 2007

at 10:24 o'clock a. M.


Secretary to the Governor

Approved this 24 day of

May, 2007,

at 2:45 o'clock P. M.

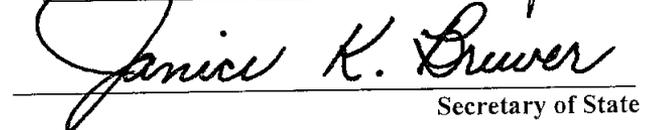

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 24 day of May, 2007,

at 4:20 o'clock P. M.


Secretary of State

S.B. 1127