

# HB3662



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3662

Introduced 2/22/2021, by Rep. Marcus C. Evans, Jr.

### 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.

LRB102 04407 JLS 14425 b

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  
3 notice 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  
6 compensation 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  
14 of 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  
21 made as soon as it is determined that such permanent  
22 disability has resulted or will result from the injury. All  
23 reports shall state the date of the injury, including the time  
24 of day or night, the nature of the employer's business, the  
25 name, address, age, sex, conjugal condition of the injured  
26 person, the specific occupation of the injured person, the

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

24 Except as provided in this paragraph, all reports filed  
25 hereunder shall be confidential and any person having access  
26 to 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  
17 to 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  
9 8 of this Act of his rights to rehabilitation services and  
10 advise him of the locations of available public rehabilitation  
11 centers 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,  
17 where no compensation has been paid, or within 2 years after  
18 the date of the last payment of compensation, where any has  
19 been paid, whichever shall be later, the right to file such  
20 application 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  
24 after the last day that the employee was employed in an  
25 environment of hazardous radiological activity or asbestos,  
26 the right to 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  
8 later, 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  
19 of any claim under the provisions of this Act within 7 days  
20 after 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  
11 firefighter, EMT, EMT-I, A-EMT, or paramedic. However, this  
12 presumption shall not apply to any employee who has been  
13 employed as a firefighter, EMT, or paramedic for less than 5  
14 years at the time he or she files an Application for Adjustment  
15 of Claim concerning this condition or impairment with the  
16 Illinois Workers' Compensation Commission. The rebuttable  
17 presumption established under this subsection, however, does  
18 not apply to an emergency medical technician (EMT), emergency  
19 medical technician-intermediate (EMT-I), advanced emergency  
20 medical technician (A-EMT), or paramedic employed by a private  
21 employer if the employee spends the preponderance of his or  
22 her work time for that employer engaged in medical transfers  
23 between medical care facilities or non-emergency medical  
24 transfers to or from medical care facilities. The changes made  
25 to this subsection by Public Act 98-291 shall be narrowly  
26 construed. The Finding and Decision of the Illinois Workers'



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

7 (Source: P.A. 98-291, eff. 1-1-14; 98-874, eff. 1-1-15;  
8 98-973, eff. 8-15-14; 99-78, eff. 7-20-15; 99-143, eff.  
9 7-27-15.)

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