

Workers' Compensation Claims Management Guidelines

For Exposure To Blood and Other Body Fluids Under SB 223

Senate Bill (SB) 223 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, which became effective March 14, 2003, requires the Ohio Bureau of Workers' Compensation (BWC) and self-insuring employers to pay for post-exposure medical services when covered employees come into physical contact with blood or other body fluids, 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?

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 as:

- **Peace officers:** 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;
- **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?

The policy specifically states 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: SB 223 claims do not include exposure to air-borne diseases.

When should a workers' compensation exposure claim be filed?

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

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 are responsible for handling workers' compensation claims, including payment of medical services.
- Employees who are not employed by self-insuring public employers can file claims online at **ohiobwc.com**. 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 **ohiobwc.com**; notify the employer's MCO; or call **1-800-OHIOBWC**.
- 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* form;
- Medical documentation, such as emergency room records, notes or reports from the treating doctor or facility.



SB 223 – 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
<p>A peace officer, firefighter or emergency medical technician has been exposed to blood or other body fluids and has sustained a physical injury.</p>	<p>A peace officer, firefighter or emergency medical technician has been exposed to blood or other body fluids but did not sustain a physical injury.</p>	<p>A peace officer, firefighter or emergency medical technician had an air-borne exposure but did not sustain a physical injury.</p> <p>Note: These events are <u>not</u> covered under SB 223, and BWC will <u>not</u> pay for testing under these circumstances.</p>
Check list	Check list	Check list
<p>Covered employee:</p> <ul style="list-style-type: none"> ■ Was physically injured; ■ Had another person’s blood or other body fluid splashed on: <ul style="list-style-type: none"> o His/her eyes or mouth; o Puncture of the skin; o Cut or opening in his/her skin (sore, etc.). 	<p>Covered employee:</p> <ul style="list-style-type: none"> ■ Was <u>not</u> physically injured; ■ Had another person’s blood or other body fluid splashed on: <ul style="list-style-type: none"> o His/her eyes or mouth; o Puncture of the skin; o Cut or opening in his/her skin (sore, etc.). 	<p>Employee:</p> <ul style="list-style-type: none"> ■ Was <u>not</u> physically injured; ■ Did <u>not</u> have physical contact with another person’s blood or other body fluid; ■ 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.

It also will cover necessary preventive treatment in accordance with the Occupational Safety & Health Administration and the Centers for Disease Control and Prevention’s (CDC’s) exposure treatment protocol.

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 the claim filed was allowed, the employee may file a new claim or file to have the claim amended for the disease. The claim may be allowed 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 condition was diagnosed as an occupational disease;
- Date the injured worker first received medical treatment for the condition(s);
- Date the injured worker first quits work because of the medical condition(s).

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 the claim filed was not allowed, the employee may file a new claim. The claim may become allowed as an occupational disease claim.

Questions?

If you have questions about filing a claim or about workers’ compensation benefits, log on to **ohiobwc.com** or call **1-800-OHIOBWC**. The complete policy also is available online. To view the policy, choose Library, About BWC, then select Policies and procedures.