

PRESUMPTION OF CAUSATION FOR FOREST FIRE AND FIRE/CRASH RESCUE OFFICERS

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<http://www.house.mi.gov/hfa>

House Bill 4934 as referred to second committee

Sponsor: Rep. Sue Allor

1st Committee: Insurance

2nd Committee: Ways and Means

Complete to 12-4-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4934 would amend the Worker's Disability Compensation Act to extend to forest fire officers and fire/crash rescue officers a presumption under the act (which currently applies to firefighters) that certain cancers were caused by exposure to hazards on the job. Those who developed such a cancer and were otherwise eligible could seek wage loss and medical benefits from the First Responder Presumed Coverage Fund created under the act.

Currently, for any respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, or lymphatic cancer, a member in active service of a fully paid fire department or public fire authority who meets the following criteria must suspend a worker's compensation claim he or she has under the act and instead can claim benefits from the First Responder Presumed Coverage Fund:

- He or she has been employed at least 60 months in that active service when the cancer manifests itself.
- He or she is exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in performing his or her work-related duties.

The cancer is presumed to arise out of and in the course of employment only with respect to a claim against the fund and only in the absence of a non-work-related cause. Mere evidence that the condition was preexisting is not sufficient to overcome the presumption, and neither is an abstract medical opinion that the employment was not its cause. The presumption can be rebutted by scientific evidence that the individual was a substantial and consistent user of cigarettes or other tobacco products in the 10 years before the date of injury and that this use was a significant factor in causing, aggravating, or promoting the cancer.

The bill would extend these provisions (concerning the same cancers) to a forest fire officer or fire/crash rescue officer¹ who is in active service, who has 60 months or more in active service at the time the cancer manifests itself, and who is exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in the performance of his or her work-related duties.

The bill would take effect 90 days after its enactment.

MCL 418.405

¹ The bill does not define either job. Michigan Civil Service Commission specifications for those job titles are available here https://www.michigan.gov/documents/ForestFireOfficer_12188_7.pdf and here https://www.michigan.gov/documents/FireCrashRescueOfficer_12672_7.pdf

FISCAL IMPACT:

House Bill 4934 has the potential to increase costs incurred by the First Responder Presumed Coverage Fund within the Department of Labor and Economic Opportunity by increasing the population eligible to make claims to the fund. During FY 2018-19 (the most recent year for which data has been reported), the FRPCF paid wage loss and medical benefits on 15 active claims, and expenses for those claims and fund administration totaled \$364,678. The magnitude of the increased liability would depend on the number of additional claims submitted and approved, which is indeterminate.

POSITIONS:

The Michigan Association for Justice indicated support for the bill. (12-1-20)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.