

FIRST REGULAR SESSION

SENATE BILL NO. 102

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

0972S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 287.067, RSMo, and to enact in lieu thereof two new sections relating to occupational diseases diagnosed in first responders.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 287.067, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 287.067 and 287.069, to read as follows:

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean, unless a different meaning is clearly indicated by the context, an identifiable disease arising with or without human fault out of and in the course of the employment. Ordinary diseases of life to which the general public is exposed outside of the employment shall not be compensable, except where the diseases follow as an incident of an occupational disease as defined in this section. The disease need not to have been foreseen or expected but after its contraction it must appear to have had its origin in a risk connected with the employment and to have flowed from that source as a rational consequence.

2. An injury or death by occupational disease is compensable only if the occupational exposure was the prevailing factor in causing both the resulting medical condition and disability. The "prevailing factor" is defined to be the primary factor, in relation to any other

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 factor, causing both the resulting medical condition and
20 disability. Ordinary, gradual deterioration, or progressive
21 degeneration of the body caused by aging or by the normal
22 activities of day-to-day living shall not be compensable.

23 3. An injury due to repetitive motion is recognized as
24 an occupational disease for purposes of this chapter. An
25 occupational disease due to repetitive motion is compensable
26 only if the occupational exposure was the prevailing factor
27 in causing both the resulting medical condition and
28 disability. The "prevailing factor" is defined to be the
29 primary factor, in relation to any other factor, causing
30 both the resulting medical condition and disability.
31 Ordinary, gradual deterioration, or progressive degeneration
32 of the body caused by aging or by the normal activities of
33 day-to-day living shall not be compensable.

34 4. "Loss of hearing due to industrial noise" is
35 recognized as an occupational disease for purposes of this
36 chapter and is hereby defined to be a loss of hearing in one
37 or both ears due to prolonged exposure to harmful noise in
38 employment. "Harmful noise" means sound capable of
39 producing occupational deafness.

40 5. "Radiation disability" is recognized as an
41 occupational disease for purposes of this chapter and is
42 hereby defined to be that disability due to radioactive
43 properties or substances or to Roentgen rays (X-rays) or
44 exposure to ionizing radiation caused by any process
45 involving the use of or direct contact with radium or
46 radioactive properties or substances or the use of or direct
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,
49 hypotension, hypertension, or disease of the heart or
50 cardiovascular system, including carcinoma, may be

51 recognized as occupational diseases for the purposes of this
52 chapter and are defined to be disability due to exposure to
53 smoke, gases, carcinogens, inadequate oxygen, of paid
54 firefighters of a paid fire department or paid police
55 officers of a paid police department certified under chapter
56 590 if a direct causal relationship is established[, or
57 psychological stress of firefighters of a paid fire
58 department or paid peace officers of a police department who
59 are certified under chapter 590 if a direct causal
60 relationship is established].

61 7. Any employee who is exposed to and contracts any
62 contagious or communicable disease arising out of and in the
63 course of his or her employment shall be eligible for
64 benefits under this chapter as an occupational disease.

65 8. With regard to occupational disease due to
66 repetitive motion, if the exposure to the repetitive motion
67 which is found to be the cause of the injury is for a period
68 of less than three months and the evidence demonstrates that
69 the exposure to the repetitive motion with the immediate
70 prior employer was the prevailing factor in causing the
71 injury, the prior employer shall be liable for such
72 occupational disease.

**287.069. 1. For the purposes of this section, the
2 following terms shall mean:**

3 (1) "Emergency medical technician", a person licensed
4 in emergency medical care in accordance with standards
5 prescribed by sections 190.001 to 190.245, and by rules
6 adopted by the department of health and senior services
7 pursuant to sections 190.001 to 190.245;

8 (2) "Emergency services telecommunicator", any person
9 employed as an emergency telephone worker, call taker, or
10 public safety dispatcher whose duties include receiving,

11 processing, or transmitting public safety information
12 received through a 911 public safety answering point;

13 (3) "First responder", a law enforcement officer, a
14 firefighter, a paramedic, an emergency medical technician, a
15 registered nurse employed to provide emergency medical
16 services outside of a medical facility, an emergency
17 services telecommunicator, an officer employed by the state
18 or a political subdivision at a corrections, detention, or
19 secure treatment facility, a sheriff or full-time deputy
20 sheriff of any county, or a member of the state highway
21 patrol;

22 (4) "Mental impairment", a diagnosis of post-traumatic
23 stress disorder by a licensed psychiatrist or psychologist;
24 and

25 (5) "Paramedic", an individual licensed with cognitive
26 knowledge and a scope of practice that corresponds to that
27 level in the National EMS Education Standards and National
28 EMS Scope of Practice Model;

29 (6) "Post-traumatic stress disorder", the condition as
30 described in the most recently published edition of the
31 Diagnostic and Statistical Manual of Mental Disorders by the
32 American Psychiatric Association.

33 2. If, preceding the date of injury or death, an
34 employee who was employed on active duty as a first
35 responder is diagnosed with a mental impairment and had not
36 been diagnosed with the mental impairment previously, then
37 the mental impairment shall presumptively be considered an
38 occupational disease and shall be presumed to have arisen
39 out of and in the course of employment. This presumption
40 may be rebutted by substantial factors brought by the
41 employer or insurer. Any substantial factors that are used
42 to rebut this presumption and that are known to the employer

43 or insurer at the time of the denial of liability shall be
44 communicated to the employee on the denial of liability.

45 3. One or more compensable mental impairment claims
46 arising out of a single accident shall constitute a single
47 injury.

48 4. A mental impairment shall not be considered an
49 occupational disease if it results from a disciplinary
50 action, work evaluation, job transfer, layoff, demotion,
51 promotion, termination, retirement, or similar action taken
52 in good faith by the employer.

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