S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. BURLING, CALHOUN, KOLB, FINCH, RAIA, TOWNSEND, GIGLIO, BALL -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BUTLER, CROUCH, DUPREY, ERRIGO, FITZPATRICK, McDONOUGH, McKEVITT, MOLINARO, OAKS, SAYWARD, SPANO, WALKER -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to coverage for treatment and care of state civilian employees of a correctional facility exposed to blood or other bodily fluids during the course of their duties

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 10 of the workers' compensation law is amended by adding a new subdivision 5 to read as follows:

5. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS CHAPTER, WHERE A STATE CIVILIAN EMPLOYEE OF A CORRECTIONAL FACILITY, IN THE COURSE OF PERFORMING HIS OR HER DUTIES, IS EXPOSED TO THE BLOOD OR OTHER BODILY FLUIDS OF ANOTHER INDIVIDUAL OR INDIVIDUALS, THE CARE AND TREATMENT, INCLUDING DIAGNOSIS, RECOMMENDED MEDICINE AND OTHER MEDICAL CARE NEEDED TO ASCERTAIN WHETHER SUCH INDIVIDUAL WAS EXPOSED TO OR CONTRACTED ANY COMMUNICABLE DISEASE SHALL BE THE RESPONSIBILITY OF THE INSURANCE CARRIER OF THE APPROPRIATE CORRECTIONAL FACILITY DISTRICT OR, IF A STATE CIVILIAN EMPLOYEE OF A CORRECTIONAL FACILITY IS NOT AN EMPLOYEE OF SUCH A DISTRICT, THEN SUCH PERSON SHALL BE COVERED FOR THE TREATMENT PROVIDED FOR IN THIS SUBDIVISION BY THE CARRIER OF HIS OR HER EMPLOYER WHEN SUCH PERSON IS ACTING IN THE SCOPE OF HIS OR HER EMPLOYMENT.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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