

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 419

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Occupational Disease" and substitute "Award Modification"; in line 3, strike "Contagious Diseases" and substitute "Viral Hepatitis"; strike beginning with "human" in line 4 down through "occurred" in line 11 and substitute ", upon termination of a certain time limitation, certain emergency response persons who have a compensable accidental injury based on a certain exposure to certain viral hepatitis may apply for a modification of an award within a certain time"; in line 12, strike "diseases" and substitute "viral hepatitis"; in line 14, strike "without" and substitute "with"; in line 16, strike "9-502" and substitute "9-736"; and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 6 on page 4, inclusive, and substitute:

"9-736.

(a) If aggravation, diminution, or termination of disability takes place or is discovered after the rate of compensation is set or compensation is terminated, the Commission, on the application of any party in interest or on its own motion, may:

(1) readjust for future application the rate of compensation; or

(2) if appropriate, terminate the payments.

(b) (1) The Commission has continuing powers and jurisdiction over each claim under this title.

(Over)

(2) Subject to paragraph (3) of this subsection, the Commission may modify any finding or order as the Commission considers justified.

(3) Except as provided in [subsection] SUBSECTIONS (c) AND (D) of this section, the Commission may not modify an award unless the modification is applied for within 5 years after the last compensation payment.

(c) (1) If it is established that a party failed to file an application for modification of an award because of fraud or facts and circumstances amounting to an estoppel, the party shall apply for modification of an award within 1 year after:

(i) the date of discovery of the fraud; or

(ii) the date when the facts and circumstances amounting to an estoppel ceased to operate.

(2) Failure to file an application for modification in accordance with paragraph (1) of this subsection bars modification under this title.

(D) (1) IN THIS SUBSECTION, "EMERGENCY RESPONSE PERSON" MEANS A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, PAID EMERGENCY MEDICAL SERVICES (EMS) PROVIDER, VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER, OR VOLUNTEER EMERGENCY MEDICAL SERVICES (EMS) PROVIDER.

(2) UPON EXPIRATION OF THE TIME LIMITATION PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN EMERGENCY RESPONSE PERSON WHO HAS A COMPENSABLE ACCIDENTAL INJURY BASED ON AN EXPOSURE TO ANY OF THE FORMS OF BLOOD BORNE VIRAL HEPATITIS, AS IDENTIFIED BY THE CENTERS FOR DISEASE CONTROL, THE EMERGENCY RESPONSE PERSON MAY APPLY FOR A MODIFICATION OF AN AWARD WITHIN 1 YEAR AFTER THE DATE WHEN THE FACTS AND CIRCUMSTANCES ARE SUCH THAT A REASONABLE PERSON WOULD HAVE KNOWN OR SHOULD HAVE KNOWN OF THE MANIFESTATION OF THE VIRAL

CONDITION WHICH MAY BE CASUALLY RELATED TO THE EXPOSURE.”.