

Legislation Text

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Urging the General Assembly of the Commonwealth of Pennsylvania to enact House Bill 35 which adds Hepatitis C to the definition of “occupational disease” and adds “firefighters” and other “emergency services personnel” to the list of occupations associated with Hepatitis.

WHEREAS, Seventy one members of the State House from both parties have introduced House Bill 35 which amends the Workers Compensation Act by further adding Hepatitis C to the definition of “occupational disease” and by adding “firefighters” and other “emergency services personnel” to the list of occupations associated with Hepatitis A, B and C; and

WHEREAS, The impact of this legislation will be to dramatically shift the burden of proof for firefighters filing workers compensation claims for Hepatitis C. If enacted this legislation will establish a presumption of eligibility for any firefighter who can demonstrate that he or she has contracted Hepatitis C during the time period in which he or she was employed as a firefighter. There will no longer be any requirement on the part of the firefighter to prove the source of exposure to the Hepatitis C Virus; and

WHEREAS, According to the World Health Organization, the Hepatitis C Virus [HCV] is a major cause of acute Hepatitis and chronic liver disease, including cirrhosis and liver cancer. HCV is spread primarily by direct contact with human blood. No vaccine is currently available to prevent Hepatitis C and treatment for chronic Hepatitis C is extremely costly and only 50% effective in preventing death; and

WHEREAS, Pursuant to Resolution No. 000734 adopted on November 16, 2000, this Council recognized the existence of a medical epidemic of Hepatitis C attacking the livers of this City’s professional firefighters, where no fewer than 130 current and retired members of the department have tested positive for this disease; and

WHEREAS, Despite reaching an amicable settlement with Local 22 over the terms for a new labor agreement, the Administration has continued to vigorously resist the workers compensation claims of those firefighters who have contracted this potentially fatal disease, thereby creating severe financial problems for firefighters who are now literally fighting for their lives. Thus far the Administration has agreed to pay only one workers compensation claim to a firefighter afflicted with Hepatitis C, and that firefighter was unable to receive the benefits awarded due to his untimely death prior to the award. The Administration continues to deny Mary Kohler’s compensation claim for Hepatitis C and has employed private investigators at taxpayer expense to spy on other firefighters suffering from this dreadful disease; and

WHEREAS, Under the current Workers Compensation Act, the City’s firefighters now bear the burden of proving that they were exposed to HCV on the job and must deny insinuations that they contracted the disease through illicit drug use or high risk sexual behaviors; now therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council urges the members of the General Assembly to enact House Bill No. 35 without further delay, and commends the State Representatives who have taken a leadership role in this matter.

RESOLVED FURTHER, That certified copies of this Resolution shall be forwarded to the Governor, and to all members of the State Senate and the State House, of Representatives.