

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, February 19, 2015

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Hartgen, Vice Chairman Anderson, Representatives Harris, Holtzclaw, Romrell, Chaney, Horman, Nielsen, Packer, Redman, King, Chew, Rudolph

**ABSENT/
EXCUSED:** None

GUESTS: Tom Limbaugh, Industrial Commission; Michael McPeck, Gardner Law; Woody Richards, Insurance Cos.; Shaun Laughlin, Professional Firefighters of Idaho; Matt Pidjeon, Alexandra Rangel, Firefighter Cancer Support Network; Tom Lovell, PFFI; Rakesh Mohan, Chelsea Shaver, OPE; Knute Sandiahl, State Fire Marshal

Chairman Hartgen called the meeting to order at 1:30 p.m.

MOTION: **Rep. King** made a motion to approve the minutes of the February 11, 2015 meeting. **Motion carried by voice vote.**

MOTION: **Rep. King** made a motion to approve the minutes of the February 17, 2015 meeting. **Motion carried by voice vote.**

Chairman Hartgen stated **H 120** was pulled back and will be re-addressed before it is ready to go to the floor.

Chairman Hartgen thanked the audience members for coming. This meeting is not to result in legislation but rather an open committee forum for discussion and questions to members and the audience. There will be no testimony, but rather a discussion to determine a way forward. There is not a bill for the 2015 session, but moving forward, there needs to be determination of the costs legislation would stimulate, who needs to be covered and the type of legislation which needs to be created to address this issue. There are many different factors that need to be addressed and investigated before any legislation will be created. More information in regards to First Responders needs to be collected to determine the need, numbers and the cost associated with coverage. This legislation will need to have constraints for coverage. One constraint would be that coverage only extends to those who do not smoke or use smokeless tobacco. Whatever the way forward, there needs to be a shared responsibility for the cost of this coverage between the State and other organizations to whom covered employees work.

Rep. Chew stated claims in the current workers compensation for occupational diseases are usually denied. That is a major concern and that even if there is evidence of exposure, the claimant still has to prove exposure on the job.

In response to questions, **Rakesh Mohan**, Director of the Office of Performance Evaluation (OPE), said he feels his office can handle a study on First Responders. The study request must be submitted to the JLOC committee and their recommendations will determine if OPE will take up the request. Information could be gathered by fall 2015. The OPE looks at current data, background information, questions and areas of interest before they start the actual study. In order to move forward with research, the OPE needs a draft request from the House Committee. Once the request for the study is approved the OPE will determine who will be involved in this study. Once the OPE has spoken with key people they will create a scope for the study. Once the scope has been decided, the OPE will begin interviewing, and data collection to get validation on areas of concern. They are responsive to the legislative needs, they are not an expert in one area but rather look at many issues as per the request of State legislative committees.

Vice Chair Anderson stated that OPE studies are impactive.

Rep. Romrell stated First Responders are critical members of Idaho and he feels legislation needs to protect and take care of them. Many are volunteers and they have little to no insurance.

Rep. Redman stated there are many insurance plans available that cover cancer. He said he would like information about available plans in the OPE study. He said it may be better to go with private insurance versus have cancer covered under Workers Compensation.

Rep. Rudolph stated with changes in industries it is harder to prove that diseases are cause by work related exposure. However, there are studies which have already been done on cancer and First Responders. This is an important and cutting edge topic which needs to be addressed.

Rep. Chaney feels this a worthwhile topic and feels if diseases are caused by work exposure they should be covered. It is critical to look at the extent of coverage, burden of proof, insurance options and there is evidence that cancer is a hazard of the job.

Rep. Chew stated that she does research by trade and feels the analogy of cause and effect is strong. She feels there are many questions related to this topic and the OPE research does not need to examine cause and effect because the evidence already exists. The OPE needs to look at who will pay for coverage, who will be covered, and the health restraints of the coverage. If cancer pops up within 10 years of retirement, studies have shown it is work related. The OPE study needs to be in areas that are not already addressed and researched.

In response to questions, **Mr. Mohan** stated the OPE will look at the public policy issues. The shared cost will be addressed in a study. The OPE can look at the different state models and see how they address the issue. They can also look into the issues raised by members of the committee. The OPE is nonpartisan and is able to look at all literature and independent research and report back with their recommendations.

Rep. Packer stated in the US when an individual has a need, others expect that the need will be met. It is the responsibility of the State to protect First Responders for hazards they are exposed to on the job and diseases that are cause from exposure to hazards. This issue needs to be looked at in a responsible manner and policy needs to be addressed with this in mind. The protective gear for First Responders use is good, but they are still exposed to hazards. Some First Responders have to spend their own money to get the best gear. The OPE research need to include a look at the current gear and if it is the best to protect First Responders while they are on the job. There also needs to be Workers Compensation for the hazards they are exposed to. First Responders are exposed to so many hazards and do a huge service for the general public.

Rep. Chaney stated he wants to know the cost, data and coverage needed so that legislation can happen as soon as possible. He is in favor of getting all the information needed to create a draft of legislation.

In response to questions, **Mr. Mohan** stated this an extremely important issue and information needs to be gathered so there is enough information to form legislation.

Rep. Chew stated she is concerned the OPE research and findings will not come forward as quickly as needed. She wants to see legislation this session. She feels there is enough information and has been enough discussion to move forward with legislation this year.

Tom Limbaugh, Industrial Commission, stated the agency is a neutral commission. Any Workers Compensation claim filed goes to the insurance company and they decide if they will accept or deny the claim. Denied cancer claims have never been moved forward to the Industrial Commission. The OPE can be an excellent resource to gathering information to create the right kind of legislation. The Industrial Commission is not an insurance company they only oversee Workers Compensation claims.

Rep. Redman suggested that there are group cancer policies for First Responders available and may be a good option for coverage.

Mike McPeek, Attorney with Gardener Law Offices, stated there is a provision that will not allow a worker to pay a premium in workers compensation coverage. The claim for cancer coverage depends on the cancers listed as occupational hazards. Most compensation cases are denied if causation is a concern. A denied claim can then be presented to the Industrial Commission and they can decided if a claim will be covered. Most Workers Compensation claims are handled without dispute. In diseases, like cancer in First Responders workers compensation, if legislation is passed to add cancer coverage, no past cases can seek a claim against the employer or the State because of the statute of limitations.

Rep. Nielsen stated the statute of limitations puts his mind at ease about First Responders legislation because there will not be a large number of claims from the past being brought against the State or employers.

Rep. Rudolph stated since cancer is not covered in Workers Compensation the OPE research needs to look at if there is new causation for cancer and if there is not, how First Responders are exposed.

Rep. Chew stated 38 states have already added coverage for First Responders because cause and effect has been proven. The OPE study may need to look at volunteer coverage and exposure. The legislation needs to be heard and the research should be used as guidance on how to address volunteers.

Chairman Hartgen stated that since this is not a privileged committee, if legislation will be heard this session it will have to go to a privileged committee.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:04 p.m.

Representative Hartgen
Chair

Erin Hutto
Secretary