

REDUCING WORKERS' COMPENSATION BURDENS FOR FRONTLINE HEALTH CARE WORKERS

S.B. 632 Senator Jesse Arreguín



SUMMARY

This bill reduces the administrative burden for registered nurses and other hospital workers to file a workers' compensation claim by presuming certain injuries and illnesses are work-related. Removing barriers to filing a claim will help prevent unnecessary delays and denials of workers' compensation claims and ensure health care workers receive timely treatment for work-related injuries and illnesses, enabling their quick recovery and return to work.

BACKGROUND

Workers' compensation is a form of insurance that provides medical benefits and wage replacement to an employee who is injured in the course of employment, regardless of who was at fault. However, some workers face challenges when linking their illness or injury to workplace hazards and exposure, especially in high-risk environments.

Workers' compensation presumptions designate certain illnesses and injuries as inherently work-related for specific professions, alleviating the burden on employees to establish a direct connection to their job. Instead, the responsibility to disprove the work-related nature of the illness or injury rests with the employer.

For several decades, California has established and expanded workers' compensation presumptions for first responder professions, such as peace officers and firefighters.¹ These presumptions assume that certain illnesses and injuries, like infectious diseases, respiratory conditions, post-traumatic stress injury (PTSI), and cancer, are work-related for these workers. This approach recognizes the unique risks these workers face due to hazards in their jobs and reduces the burden of proving the connection to their employment.

Registered nurses experience workplace-related injuries and illnesses at significantly higher rates than workers overall, reflecting the demanding and hazardous nature of their profession. For example, nurses are particularly vulnerable to musculoskeletal injuries, with rates nearly double those of workers overall, and they face workplace violence and harmful substance exposure at nearly four times the average rate.²

PROBLEM

Nurses and other hospital workers face similar risks of exposure to diseases, injuries, and trauma as other first responder professions but are not granted the same presumptive eligibility protections. This discrepancy creates an unequal system where some male-dominated first responder professions receive automatic protections, while other women-dominated frontline professions who perform equally essential, high-risk jobs face barriers to accessing timely benefits and medical care.

Without presumptive eligibility, nurses and other hospital workers must prove that their illnesses or injuries were directly caused by their job, which can be challenging for conditions like infectious diseases, back injuries, or PTSI that may be difficult to trace to a specific workplace incident.

Nurses report that they often face delays or denials in workers' compensation claims, leading to postponed treatment. These delays can worsen their health conditions, increase medical costs, and prolong time away from work — ultimately exacerbating the staffing crisis in hospitals. Many nurses must hire lawyers to appeal claims, adding financial and emotional strain, while others forgo filing claims altogether, shouldering the costs themselves.

S.B. 632 continued »

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SOLUTION

The proposed legislation establishes presumptive eligibility in workers' compensation claims for nurses and other hospital workers, ensuring that specified illnesses and injuries are presumed to be work-related, similar to the protections already provided to peace officers and firefighters.

Specifically, this bill creates a workers' compensation rebuttable presumption for hospital employees who provide direct patient care in an acute-hospital setting for injuries and illnesses such as infectious disease, lung disease, cancer, PTSD, and musculoskeletal injuries.

By streamlining treatment and covering medical costs, workers' compensation presumptions ensure timely support and protection for nurses and other frontline health care workers facing job-related health challenges.

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ENDNOTES

- 1 See California Labor Code §§ 3212–3213.2 (2024).
- 2 U.S. Bureau of Labor Statistics (2024), "Survey of Occupational Injuries and Illnesses 2021-2022).