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SENATE FLOOR ALERT
AB 808 (Skinner) – File #356

August 21, 2012

TO: Members of the California State Senate

RE: AB 808 (Skinner) as amended August 06, 2012
Position: OPPOSE

I am writing to inform you that the University of California (University) opposes AB 808, which would establish a legal presumption for certain hospital employees in the workers' compensation system that any methicillin-resistant Staphylococcus aureus (MRSA) infection is related to their employment.

The University believes that the existing laws governing the California workers' compensation system and the determination of the compensability of industrial injuries are equitable for both employees and employers. There is no evidence that hospital workers filing claims for MRSA injuries are being denied benefits under the existing system and thus no evidence that a presumption for these injuries is justified. To the contrary, historical workers' compensation claims data for employees at the UC medical centers demonstrate that claims filed for these injuries are generally accepted.

The practical impact of the creation of a presumption is that the University will have a higher burden of proof when attempting to rebut a claim that it believes to be non-work-related. Given the lifetime benefits afforded under the workers compensation system, it is reasonable to presume that the creation of the presumption under AB 808 could incentivize some individuals to file questionable claims.

Presumptions circumvent the basic test of compensability in the existing workers' compensation system and shift the burden of proof to the employer to prove an employee's job duties did not cause their injury. Although these presumptions are considered rebuttable, the truth is the everyday application of these presumptions leads to an insurmountable burden that employers cannot overcome.

The University appreciates your consideration of its concerns. Should you have any questions concerning the University's position on this bill, please do not hesitate to contact Angela Gilliard at 916-445-9924.

UC urges a "NO" vote on AB 808