



May 02, 2022

The Honorable Tom Daly
Chair, Assembly Insurance Committee
1020 N St., Room 369
Sacramento, CA 95814

Subject: SB 213 (Cortese) – OPPOSE

Dear Assembly Member Daly:

For California's hospitals, healthy patients and employees are of paramount importance. Hospitals unequivocally support protecting their employees, and they simply could not fulfill their mission of care without healthy workers, which has taken on heightened importance during the pandemic. In fact, using the pandemic as an example, California's hospitals have seen a significantly lower rate of occupationally contracted COVID-19 claims, demonstrating that existing health and safety practices continue to robustly protect our workers.

Therefore, it is against this backdrop that the California Hospital Association (CHA), on behalf of our more than 400 hospital and health system members, must oppose Senate Bill (SB) 213. This bill would create a series of workers' compensation rebuttable presumptions for hospital employees that a variety of conditions arose out of hospital direct patient care and would indefinitely extend a presumption for COVID-19.

Not only is the creation of these presumptions unsupported by data, but the presumptions do not further the goals of continuing and strengthening existing health and safety practices in California's hospitals. In fact:

- 2019 data from the California Workers' Compensation Institute show that health care employers have one of the lowest denial rates of any industry for workers who file workers' compensation claims. They have approved well over 90% of all claims — irrefutable proof that the system is taking care of its workers when they get sick or are injured on the job.
- With a presumption, workers would need to provide little to no evidence that their injuries are work-related when making a claim for workers' compensation.
- More importantly, no evidence whatsoever of improperly denied claims has been provided to justify the creation of these presumptions.

Unfortunately, SB 213 and its recent amendments do not address any of these concerns. The amendments also fail to address prior commitments that were made to remove certain diseases from the bill, such as cancer, asthma, and chronic obstructive pulmonary disease (COPD). The amendments do not substantively alter or narrow the scope of this sweeping bill, as it continues to create a presumption for the following:

- Infectious diseases such as staph infections, tuberculosis, meningitis, bloodborne infections, and respiratory diseases such as COPD and COVID-19
- Post-traumatic stress disorder
- Musculoskeletal injuries (muscle, tendon, ligament, nerve, joint, bone, and blood vessel)

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- Cancers such as liver cancer, myeloid leukemia, kidney cancer, multiple myeloma, ovarian cancer, breast cancer, nasopharyngeal cancer, thyroid cancer, brain cancer, nervous system cancers, HPV-positive tonsillar cancer, and others

Again, none of these presumptions are supported by claims data showing high denial rates, occupational health and safety data showing high rates of workers who experience these injuries, or any specific anecdotes that illustrate why presumptions are necessary.

For these reasons, CHA respectfully asks for your “NO” vote on SB 213.

Sincerely,



Rony Berdugo
Legislative Advocate

cc: The Honorable Dave Cortese
The Honorable Members of the Assembly Insurance Committee
Claire Wendt, Principal Consultant, Assembly Insurance Committee
Bill Lewis, Consultant, Assembly Republican Caucus