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BILL ANALYSIS



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House Bill 4552 (Substitute H-6 as passed by the House)
Sponsor: Representative Kenneth Kurtz
House Committee: Commerce
Senate Committee: Reforms, Restructuring and Reinventing

Date Completed: 3-27-12

CONTENT

The bill would amend the Worker's Disability Compensation Act to require an individual to be considered a State employee if he or she were registered with the State's verification system of health professional volunteers, when performing services or duties as a registrant or training to provide those services or duties, unless another employer provided coverage.

Specifically, the bill refers to an individual registered with the State of Michigan verification system described in 42 USC 247d-7b. (That law pertains to a system for the advance registration of health care professionals who volunteer to provide health services during a public health emergency; and provides for a single national network of state systems that verify the credentials and licenses of volunteers. Michigan's system is described below.)

A registered individual would have to be considered an employee of the State of Michigan when engaged in the performance of duties or services as a registrant, or when training to provide those duties or services, unless another employer provided coverage for that individual specifically for duties and services arising from registration with this State.

The individual would be considered to be receiving the State average weekly wage at the time of injury or death from the State for purposes of calculating the weekly rate of compensation provided under the Act. If the individual's average weekly wage were greater than the State average weekly wage at the time of injury or death, however, his or her weekly rate of compensation would have to be determined based on the individual's weekly average wage. The State would have to exercise all of the rights and obligations of an employer and carrier as provided for under the Act.

The Act provides for the apportionment of weekly benefits if an individual was engaged in more than one employment at the time of an injury or an injury resulting in death. This does not apply to volunteer public employees entitled to benefits under certain circumstances. The bill also would exclude individuals entitled to benefits under the bill.

The bill also specifies that the amendments to the Act made by Public Act 266 of 2011 apply to personal injuries and work-related diseases incurred on or after December 19, 2011, notwithstanding Sections 301(14) and 401(10). (Public Act 266 amended a number of sections of the Act, including Sections 301 and 401, which govern compensation for personal injury or death in the course of employment, and entitlement to weekly wage loss benefits. Subsections (14) and (10) provide that Sections 301 and 401 apply to personal injuries and work-related diseases incurred on or after June 30, 1985. Public Act 266 took effect on December 19, 2011.)

BACKGROUND

The "*MI Volunteer Registry*" is maintained by the Office of Public Health Preparedness (OPHP) in the Department of Community Health. The registry is a system for the advance registration of individuals who volunteer to provide services during a declared state of disaster or emergency. The registry is an electronic database that enables authorities to verify a volunteer's identity, professional licenses, credentials, accreditations, and hospital privileges before and during an emergency situation. The *MI Volunteer Registry* is the State of Michigan's part of the national system authorized by the Public Health Security and Bioterrorism Preparedness and Response Act (42 USC 247d-7b).

The *MI Volunteer Registry* originally was limited to health professionals but now accepts volunteers in other fields.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have a small but negative impact on State finances, and no fiscal impact on local units of government. The bill would make volunteer health professionals State employees for purposes relating to worker's compensation while engaged in their duties as volunteers. Since the volunteers would be considered State employees only while they were serving during a declared emergency, for claims under the bill to occur, volunteers would have to be injured or killed while they were performing their duties as volunteers. It is unknown how many volunteers are injured or killed each year, but under the bill, they would be entitled to worker's compensation as though they were receiving the State average weekly wage.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.