



February 9, 2021

Dear House Business and Labor Committee:

MNA fully supports--HB 297- “AN ACT REVISING COVERAGE UNDER WORKERS' COMPENSATION 4 FOR NURSES RELATED TO COVID-19; PROVIDING CONDITIONS; AND PROVIDING AN IMMEDIATE 5 EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE.”

My name is Vicky Byrd, MSN, RN. I am a Montana Registered Nurse (RN) of 32 years and the CEO of the Montana Nurses Association (MNA). MNA is grateful and appreciative of Representative Caferro bringing forward HB 297 to care for our caregivers.

MNA is the recognized leader and advocate for the professional nurse in Montana. MNA is the nonprofit state professional nurses association representing the voice of nearly 3000 Registered Nurses (RNs) in Montana including more than 100 licensed as Advanced Practice Registered Nurses (APRNs). MNA is the recognized professional organization, which lobbies for nursing practice issues to protect the practice of professional nurses and also protect the public in all areas of health care. MNA promotes professional development, nursing practice, standards, and education; represents professional nurses; and provides nursing leadership in promoting high quality healthcare, safety, and overall public health.

MNA is asking the State Of Montana to do what makes sense for the employees, these nurses, the most trusted profession, which have been and remain one of the most exposed front line healthcare employees in contact with COVID-19 while on the job.

- Currently, the Governor and the legislature are pushing for limitations on COVID-19 liability for Businesses in Montana. What about Nurses and their health risk, as they are at a high risk for exposure? HB 297 bill addresses this issue and is limited to 10 years, as it is being proposed for businesses.
- Currently, nurses who get other diseases such as HIV from a needle stick or Hepatitis from exposure at work are covered by Worker's Compensation. Nurses who are exposed and contract Tuberculosis at work are covered by Worker's Comp. We are asking for Covid-19 to be recognized as an occupational disease, so nurses can be offered the same protections as other work related diseases.
- Nurses are expected to go to work and face direct exposure to COVID-19, day in and day out. For the small fraction of nurses who will statistically be saddled with serious long-term effects of COVID-19, through work-based exposure due to their occupation, it makes sense to provide this limited coverage for nurses who contract COVID-19 as an occupational disease inside the Worker's Comp Act.



- Many nurses did not qualify for COVID-19 related leave nor did they know it was an option. Although some employers did provide additional leave to nurses who were exposed and/or tested positive, in order to keep them quarantined and whole. An ongoing long-term health issue situation related to COVID-19 exposure falls outside of that leave. This bill will not compound what has already been provided, but to rightfully cover those nurses with long lasting effects of this occupational disease. Additionally, the CARES Act COVID-19 related leave ended on December 31, 2020, so this is not an issue moving forward.
- This is not a bill intended to create a monetary windfall for nurses, it is to protect them for the long haul, if needed.
- As COVID-19 is a new disease, we are still learning what long-term impacts may result in some people. Many people contract this disease and health outcomes range from having few symptoms and quickly returning to work, to others experiencing long term health conditions and are unable to work for weeks and months.
- Passage of this bill will allow nurses with these COVID-19 related ongoing health issues, which the bill refers to as an occupational disease, to be covered and provide these much needed benefits.
- Cost deferment... if not workers compensation, then who, short or long term disability plans or employer provided health insurance?

MNA surveyed our members related to COVID-19 and workers compensation. Over twenty eight percent of those surveyed contracted COVID-19 over the past year. Of those that contracted COVID-19, over 92% did not file a workers compensation claim, majority citing they did not know that was an option. Of the little over 7% of nurses that did file a claim, over 68% were denied. Now the most important question of all, of those that contracted COVID-19 over the past year, only a little over 12% of employers encouraged nurses to file a claim.

When you identify COVID-19 as a covered occupational disease for nurses, they will qualify for much deserved benefits, give up their right to sue the employer for negligence, and employers gain employee related liability protection. This bill provides a cost reduction and clarity on liability related to nurses' COVID-19 work related exposure with some resulting in long term occupational disease treatment and it won't impact MT taxpayers. This bill will keep healthcare treatment for nurses that experience long-term health issues related to work-related COVID-19 illness, within the right system, moreover, it ensures that hospitals and other providers get paid for that care and that employers are not sued by employees. It provides protections for all involved.

Please support your nurses and those who employ them, and vote to pass HB 297!

Respectfully,

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