

PUBLIC COMMENTS

HB 396

HOUSE COMMITTEE ON BUSINESS & INDUSTRY

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Hearing Date: March 30, 2021 8:00 AM

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Brenda Kelley, MSN, RN, CEN

Texas Emergency Nurses Association

Fort Worth, TX

As an emergency department nurse leader, I urge you to pass HB 396 so that nurses who contract COVID 19 will receive worker's compensation benefits. In the course of their work over the last year, nurses have been repeatedly exposed to the coronavirus and many have contracted the disease and some have even died as a result. Unlike other workplace injuries, proving that COVID was contracted during the course of employment can be next to impossible. COVID is transmitted without the knowledge of the nurse, and the effects can be delayed for over a week. This virus is unlike falling off a ladder at work, or getting into an accident, in that how and when it is contracted can be very difficult to identify.

During the height of the pandemic, and especially when there was a severe PPE shortage, nurses were put in very difficult positions. They were reusing masks and sometimes not wearing masks at all. Nevertheless, they stepped up to the challenge. If they became ill, and wanted to access their Workers' Compensation benefits, they had to prove that they acquired this illness during the course of employment. That process can be costly, especially if an attorney was needed, and can also lead to inappropriate denials.

Like other healthcare providers, nurses have risked their health and lives to battle this pandemic. We ask that the state take care of the nurses that take care of our citizens. HB 396 would be an important step toward ensuring that nurses have access to the care they need.

Crissie Richardson, RN

Texas Emergency Nurses Association

Salado, TX

The Texas Emergency Nurses Association (TxENA) represents the voices of both emergency nurses in Texas and our patients. We are writing today to express support for HB 396, which would create a presumption that, if a nurse treating COVID patients contracts the disease, they did so in the course of their employment.

Unlike other workplace injuries, proving that COVID was contracted during the course of employment can be next to impossible. COVID is transmitted without the knowledge of the nurse, and the effects can be delayed for over a week. This virus is unlike falling off a ladder at work, or getting into an accident, in that how and when it is contracted can be very difficult to identify. In addition to this being a unique virus, nurses are also in a unique position within the healthcare system. Out of all of the healthcare providers in a facility, nurses are more likely to be in close physical proximity with the patient, and often have no other choice but to come in contact with bodily fluids.

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Printed on: April 26, 2021 11:09 AM