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STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE COMMISSIONER
BUREAU OF HUMAN RESOURCE MANAGEMENT

Nicholas A. Toumpas
Commissioner

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October 14, 2014

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Pursuant to the provisions of RSA 21-I: 43-a, Compensation for State Employees Injured in Line of Duty, finalize the determination made by the Commissioner of the Department of Health and Human Service that on July 21, 2014, Cheryl Kozuch, a Licensed Practical Nurse III at the Glencliff Home for the Elderly sustained an injury in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, effective date of Governor and Council approval.

EXPLANATION

New Hampshire RSA 21-I: 43-a, Compensation for State Employees Injured in Line of Duty states:

Any injury received by any state employee who is injured in the line of duty by a hostile act, or by an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform the duties of his or her position shall not be charged against annual leave or sick leave for the time lost due to the injury. During such time, the employee shall remain on the active payroll. In this event, no employee shall be terminated from state service until he or she has applied for disability retirement and a final decision on the application is made by the board of trustees of the New Hampshire retirement system and appeals of such decision, if any, are finalized; provided, that the employee shall make such application within 18 months of the injury contemplated by this section. **The executive head of the employee's agency shall make the determination as to whether an injury is in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties which are considered dangerous in nature, and, after approval by the governor and council, the determination shall be final.** (emphasis added) During the time in which the injured employee remains on active payroll at full base salary pursuant to this section, his or her

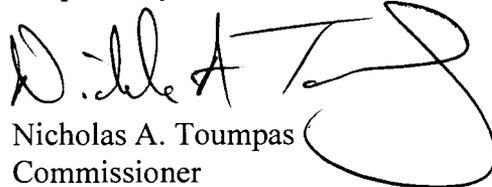
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state compensation shall not be offset by state workers' compensation payments and he or she shall not receive state workers' compensation payments to supplement his or her full base salary. Nothing in this section shall prohibit medical payments or final settlements.

Cheryl Kozuch is a Licensed Practical Nurse I who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On July 21, 2014 a resident at the Glencliff Home for the Elderly assaulted Cheryl Kozuch causing injuries by pulling her arm back hard and swung her around causing her to land on floor. As a result of the injuries, Ms. Kozuch required medical attention and was rendered unable to perform her duties beginning that day. She returned to work on July 28, 2014, working with modifications. She had surgery for the injury on September 8, 2014 and return date is unknown at this time. In accord with NH RSA 21-I: 43-a Ms. Kozuch's lost time has not been charged against her annual leave or sick leave and she has and will remain on the active payroll.

Following a thorough review of the July 21, 2014, incident and facts related to Cheryl Kozuch's injury, the Commissioner of the Department of Health and Human Services determined on August 8, 2014, that Ms. Kozuch's injuries were in the line of duty and due to a hostile or overt act, or an act caused by another during the performance of duties, which are considered dangerous in nature. Pursuant to RSA 21-I: 43-a, approval of this Request shall make Commissioner's determination final.

Respectfully submitted,


Nicholas A. Toumpas
Commissioner

DB

DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF ACCIDENTAL INJURY OR OCCUPATIONAL ILLNESS
CONFIDENTIAL: NO PATIENT NAMES SEND or FAX IMMEDIATELY TO HUMAN RESOURCES IN APS 271-5845

EMPLOYEE IDENTIFICATION

Name: Cheryl Kozuch Incident Date: 7/21/14 Time: 6:45 AM/PM
Department: NOD Unit: Rose Job Title: RLPN

EXACT LOCATION OF INCIDENT

Building: Brown Unit: Rose Other:

OCCURRENCE DESCRIPTION

- Slip/Trip/Fall
- Struck by/Against Object
- Lifting Materials/Patient
- Contamination/Exposure
- Burn
- Other (Specify)
- Lifting Patient-Med Rec#
- Patient Assault-Med Rec# Judy Blitzer
- During Restraint -Med Rec#
- Needlestick/Sharp - Med Rec#
- Bites - Med Rec#
- Contamination/Body Fluids - Med Rec#

HOW DID ACCIDENT OR ILLNESS OCCUR?

Description of incident: (Be specific, including any injuries you received and on what part of your body)
Gave Res J.B. PRN for patient; as I turned to med cart
res pulled my arm back hard and swung me around causing
me to fall, med cart went one way, res the other and me
on floor & severe knee pain

Total number of hours worked at time of injury:
STAFF WITNESSES (if any):

TREATMENT

Treatment received on site, please explain: cold application Human Resources Called 1/1
Initial Treatment: No Medical Treatment Emergency Care Other 271-5838 or 271-5843 24 hrs a day

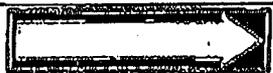
PLEASE REVIEW OTHER SIDE AND HAVE YOUR SUPERVISOR REVIEW THIS INCIDENT REPORT
IF MEDICAL ATTENTION WAS SOUGHT, PLEASE CONTACT THE HUMAN RESOURCES DEPARTMENT AT
271-5838 OR 271-5843.

EMPLOYEE'S SIGNATURE: Cheryl Kozuch DATE: 7/21/14

SUPERVISOR'S STEPS TAKEN AFTER REVIEWING THIS INCIDENT REPORT:
 Reviewed and discussed incident with employee before returning to work? Explain: 911 called, taken to Cottage Hosp. for eval.
 Referred employee to call HR department. Yes No
 Referred to Safety/Designee Yes No Explain:
 Reviewed work area/procedures and took appropriate steps to correct hazard. Explain:

Reported incident to Assaulted Staff Action Program (ASAP). Yes No

REPORT OF ACTION TAKEN



OVER

