



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

Nicholas A. Toumpas
 Commissioner

Mark C. Bussiere
 Director

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October 31, 2013

Her Excellency, Governor Margaret Wood Hassen
 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 October 30, 2013, Jorge Cruz a Mental Health Worker II 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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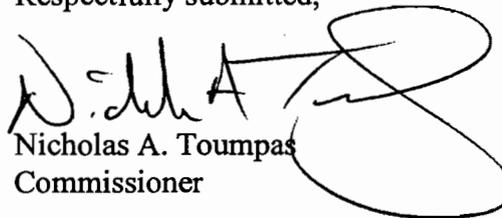
Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
October 31, 2013
Page 2

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.

Jorge Cruz, a Mental Health Worker II at New Hampshire Hospital who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On October 30, 2013 a patient at New Hampshire Hospital assaulted Jorge Cruz causing injuries by punching him in the face which resulted in a head injury, scalp contusion and cervical strain. As a result of the injuries, Jorge Cruz required medical attention and was rendered unable to perform her duties beginning that day. Mr. Cruz has not returned to work. In accord with NH RSA 21-I: 43-a Mr. Cruz's lost time has not been charged against his annual leave or sick leave and he has remained on the active payroll.

Following a thorough review of the October 30, 2013, incident and facts related to Jorge Cruz's injury, the Commissioner of the Department of Health and Human Services determined on October 30, 2013, that Mr. Cruz'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

DHHS EMPLOYEE

NOTICE OF ACCIDENTAL INJURY OR OCCUPATIONAL ILLNESS
CONFIDENTIAL: NO PATIENT NAMES SEND IMMEDIATELY TO HUMAN RESOURCES

EMPLOYEE IDENTIFICATION

Name: Jorge Cruz Incident Date: 10/30/13 Time: 10:50 AM/PM
(Please print)
Department: Nursing Unit: C Job Title: MHW

EXACT LOCATION OF INCIDENT

Building: APS Unit: C 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# 084052
- 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)
came up behind MHW and force fully punched MHW on right side of face as MHW was sitting at desk in room door observing patient in seclusion

Total number of hours worked at time of injury: 7.45

STAFF WITNESSES (if any): Deborah Emerson

TREATMENT

Treatment received on site, please explain: ice to area
Initial Treatment: No Medical Treatment Emergency Care Other Human Resources Called 1/1

PLEASE REVIEW OTHER SIDE AND HAVE YOUR SUPERVISOR REVIEW THIS INCIDENT REPORT
PLEASE CONTACT THE HUMAN RESOURCES DEPARTMENT AT 271-5838 OR 271-5843.

EMPLOYEE'S SIGNATURE: [Signature] DATE: 10-30-13

SUPERVISOR'S STEPS TAKEN AFTER REVIEWING THIS INCIDENT REPORT:

- Reviewed and discussed incident with employee before returning to work? Explain: Incident was not predictable
- Referred employee to call HR department.
- Reviewed work area/procedures and took appropriate steps to correct hazard.Explain: Employee to go to ER
- Reported incident to Assaulted Staff Action Program (ASAP). Yes No

REPORT OF ACTION TAKEN Transported via Campus Police to ER for evaluation

DATE: 10/30/13 OVER IMMEDIATE SUPERVISOR'S NAME: [Signature]
(PLEASE PRINT)