



Nicholas A. Toumpas
Commissioner

Mark Bussiere
Director

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

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February 5, 2013

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 December 24, 2012, Kathryn Cate, a Nurse Specialist at New Hampshire Hospital 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 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.

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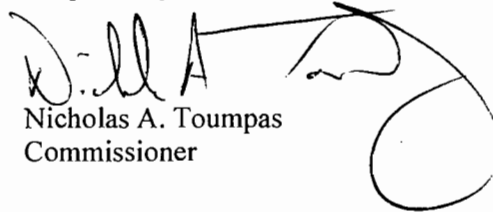
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Kathryn Cate is a Nurse Specialist who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On December 24, 2012, a patient at New Hampshire Hospital, assaulted Ms. Cate causing injuries by shoving her to the floor and causing pain down her left side and lower back. As a result of the injuries, Ms. Cate required medical attention and was rendered unable to perform her duties beginning that day. To date, Ms. Cate has not been able to return to work. In accord with NH RSA 21-I: 43-a Ms. Cate's lost time has not been charged against her annual leave or sick leave and she has remained on the active payroll.

Following a thorough review of the December 24, 2012, incident and facts related to Kathryn Cate's injury, the Commissioner of the Department of Health and Human Services determined on January 28, 2013, that Kathryn Cate'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: Cate, Kathryn Incident Date: 12/24/12 Time: 8:45 AM PM
(Please print)

Department: nursing Unit: C Job Title: nurse practitioner

EXACT LOCATION OF INCIDENT

Building: APS Unit: C Other: _____

OCCURRENCE DESCRIPTION

- | | |
|--|--|
| ☐ Slip/Trip/Fall | ☐ Lifting Patient-Med Rec# |
| ☐ Struck by/Against Object | ☒ Patient Assault-Med Rec# <u>080944</u> |
| ☐ Lifting Materials/Patient | ☐ During Restraint -Med Rec# |
| ☐ Contamination/Exposure | ☐ Needlestick/Sharp - Med Rec# |
| ☐ Burn | ☐ Bites - Med Rec# |
| ☐ Other (Specify _____) | ☐ Contamination/Body Fluids - Med Rec# |

HOW DID ACCIDENT OR ILLNESS OCCURE

Description of incident: (Be specific, including any injuries you received and on what part of your body)
pt would not be redirected from playing & took a Christmas
tree. He shoved me to the ground & both hands. I rolled. My left
tooth hit me. I am sore on right shoulder, ribs, and hips and
lower back. I am in pain & sore.

Total number of hours worked at time of injury: 6 hours

STAFF WITNESSES (if any): John Locke, Debra Emmons, Jorge Cruz

TREATMENT

☐ Treatment received on site, please explain: _____
Initial Treatment: ☒ No Medical Treatment ☐ Emergency Care ☐ Other ☐ Human Resources Called / /

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: Kathryn Cate RN DATE: 12/24/12

SUPERVISOR'S STEPS TAKEN AFTER REVIEWING THIS INCIDENT REPORT:

- ☐ Reviewed and discussed incident with employee before returning to work? Explain: _____
- ☐ Referred employee to call HR department.
- ☐ 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

DATE: 12/24/12 IMMEDIATE SUPERVISOR'S NAME: Wesley Taylor RN
(PLEASE PRINT)