



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*

129 PLEASANT STREET, CONCORD, NH 03301-3857  
603-271-4286 1-800-852-3345 Ext. 4286  
Fax: 603-271-4810 TDD Access: 1-800-735-2964

JUN 07 '13 11:09 AM

69 DAW  
KPA

May 31, 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 February 11, 2013, Christopher Lucier, a Registered Nurse III 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:

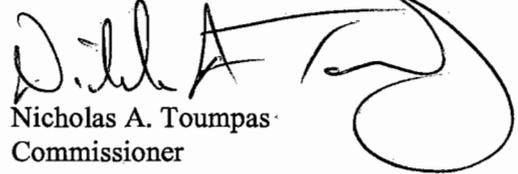
Any injury received by any state employee who is injured in the line of duty by a hostile act, or by an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform 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.

His Excellency, Governor Margaret Wood Hassan  
and the Honorable Council  
May 31, 2013  
Page 2

Christopher Lucier is a Registered Nurse III who was injured in the line of duty and rendered temporarily unable to perform the duties of his position. On February 11, 2013, a patient at New Hampshire Hospital assaulted Christopher Lucier causing injuries by hitting his head several times with a closed fist and throwing both of them head-first into a wall. As a result of the injuries, Christopher Lucier required medical attention and was rendered unable to perform his duties beginning that day and was only able to return 3 hours a day, 3 days a week from March 13, 2013 through May 26, 2013. He is now out full, pending a surgical procedure unrelated to this incident. In accord with NH RSA 21-I: 43-a Mr. Lucier'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 February 11, 2013 incident and facts related to Christopher Lucier injury, the Commissioner of the Department of Health and Human Services determined on February 28, 2013, that Mr. Lucier'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

61541  
 Db

**EMPLOYEE IDENTIFICATION**

Name: Christopher Lucier Incident Date: 2/11/13 Time: 10:30 (AM/PM)  
 (Please print)  
 Department: Nursing Unit: C Job Title: RN

**EXACT LOCATION OF INCIDENT**

Building: ABS Unit: C Other: \_\_\_\_\_

**OCCURRENCE DESCRIPTION**

- |  |  |
|--|--|
| <input type="checkbox"/> Slip/Trip/Fall                      | <input type="checkbox"/> Lifting Patient-Med Rec# _____                    |
| <input checked="" type="checkbox"/> Struck by/Against Object | <input checked="" type="checkbox"/> Patient Assault-Med Rec# <u>080944</u> |
| <input type="checkbox"/> Lifting Materials/Patient           | <input type="checkbox"/> During Restraint - Med Rec# _____                 |
| <input type="checkbox"/> Contamination/Exposure              | <input type="checkbox"/> Needlestick/Sharp - Med Rec# _____                |
| <input type="checkbox"/> Burn                                | <input type="checkbox"/> Bites - Med Rec# _____                            |
| <input type="checkbox"/> Other (Specify _____)               | <input type="checkbox"/> 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)  
While physically escorting pt. to seclusion to be medicated a IM medication pt. broke free and punched me in the head several times in the head before throwing me (and himself) head first into a wall... pt's head did not hit wall.

Total number of hours worked at time of injury: 3.75  
 STAFF WITNESSES (if any): Frank Harris (campus police), Tom Newland RN, Jim Stewart MHW; Ruth Levey RN

**TREATMENT** went to Marshfield urgent care - Dx severe concussion

Treatment received on site, please explain:  
 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: 2-11-13

**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**

DATE: 2/11/13 OVER IMMEDIATE SUPERVISOR'S NAME: Anita Downs  
 (PLEASE PRINT)