



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

Nicholas A. Toumpas  
 Commissioner

Mark Bussiere  
 Director

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May 30, 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 April 3, 2013, Mark Simpson, a Mental Health Worker 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:

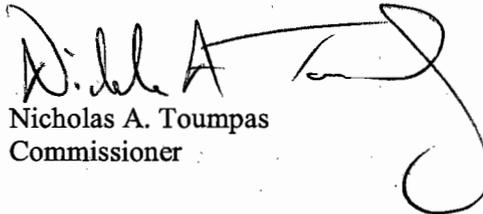
Any injury received by any state employee who is injured in the line of duty by a hostile act, or by an act caused by another during the performance of duties which are considered dangerous in nature, that requires the employee to be hospitalized or renders the employee temporarily unable to perform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

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Mark Simpson is a Mental Health Worker III who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On April 3, 2013, a patient at New Hampshire Hospital assaulted Mark Simpson causing injuries by being kicked in the wrist. As a result of the injuries, Mark Simpson required medical attention and was rendered unable to perform his duties beginning that day and several days that immediately followed. He returned to work on April 13, 2013. In accord with NH RSA 21-I: 43-a Mr. Simpson'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 April 3, 2013, incident and facts related to Mark Simpson's injury, the Commissioner of the Department of Health and Human Services determined on April 16, 2013, that Mr. Simpson'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

F  
8467  
Dh

EMPLOYEE IDENTIFICATION

Name: Mark Simpson Incident Date: 4/3/13 Time: 7:15 AM/PM  
(Please print)  
Department: Nursing Unit: G Job Title: MHWII

EXACT LOCATION OF INCIDENT

Building: APS Unit: G 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# 073416
- 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)  
Patient was combative, kicking and thrashing her arms, while grabbing  
her arm, my wrist popped right wrist & kicked wrist.

Total number of hours worked at time of injury: 1/2 hr

STAFF WITNESSES (if any): Jennifer Roy, Jenna Tucker, Tracey Parks

TREATMENT

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: Mark Simpson DATE: 4/3/13

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 emp to CH-ED to have evaluated

DATE: 4/3/13 OVER IMMEDIATE SUPERVISOR'S NAME: Audrey M Wells RNBC  
(PLEASE PRINT)