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

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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 1, 2014, Kim M. Truchon, a Mental Health Worker II 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

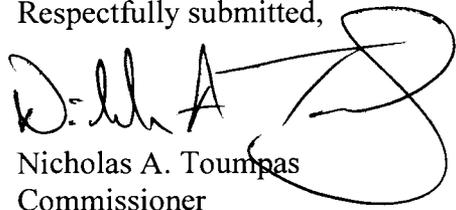
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state compensation shall not be offset by state workers' compensation payments and he or she shall not receive state workers' compensation payments to supplement his or her full base salary. Nothing in this section shall prohibit medical payments or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

Kim M Truchon is a Mental Health Worker II who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On July 1, 2014 a patient at New Hampshire Hospital assaulted Ms. Truchon causing injuries by back-handing her in the face, taking her off her feet into a wall. As a result of the injuries, Ms. Truchon required medical attention and was rendered unable to perform her duties beginning that day. She returned to work part-time on July 7, 2014 until her return full time on July 15, 2014. In accord with NH RSA 21-I: 43-a Ms. Truchon'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 July 1, 2014, incident and facts related to Kim M. Truchon's injury, the Commissioner of the Department of Health and Human Services determined on August 6, 2014, that Ms. Truchon'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: Kim m Truchon Incident Date: 7/1/14 Time: 3:50 AM/PM  
(Please print) Unit: J Job Title: MHU2

EXACT LOCATION OF INCIDENT

Building: APS- Unit: J / 7th Bed Room 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# 084693
- 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)  
It was in a room and went out of his room up to the nurses station and threw over the 1/2 tower then went to the other side of the nurses station + started yelling + screaming at nurse a male staff came up to the desk + it was at him + was then taken to his room while in his room + it turned music + all the way when staff asked him to turn it off it back punched myself + took me off

Total number of hours worked at time of injury: \_\_\_\_\_

STAFF WITNESSES (if any):

TREATMENT:

Treatment received on site, please explain: ECP +  
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 271-5938 OR 271-5843.

EMPLOYEE'S SIGNATURE: Kim m Truchon DATE: 7-1-14

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 Employee being taken to hospital at the time. states "maybe later if I need to"

DATE: 07/01/14 IMMEDIATE SUPERVISOR'S NAME: Lisa Fields RN  
(PLEASE PRINT)

FX DB  
into the well Hit me on the side of my face