



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

129 PLEASANT STREET, CONCORD, NH 03301-3857
603-271-9344 1-800-852-3345 Ext. 9344
Fax: 603-271-4810 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

September 19, 2012

His Excellency, Governor John H. Lynch
and the Honorable Executive 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 Services that on March 3, 2011, Linnette Browne, a Training and Development Therapist, 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.

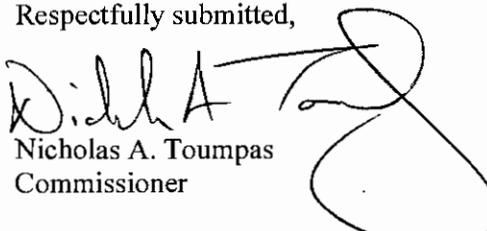
Linnette Browne is a Training and Development Therapist who was injured in the line of duty and rendered temporarily unable to perform the duties of her position. On March 3, 2011, a patient came after her and grabbed

His Excellency, Governor John H. Lynch
and the Honorable Executive Council
September 19, 2012
Page 2

her right arm from behind squeezing her thumb and wrist. As a result of the injuries, Ms. Browne required medical attention and was rendered unable to perform her duties beginning that day and the days that immediately followed. She returned to work on March 10, 2011. On March 15, 2012, Ms. Browne needed to be out of work again due to her injury and returned on March 25, 2012. Again beginning September 1, 2012, Ms. Browne was out of work due to her injury and has not yet returned. Since the assault Ms. Browne has been working on a modified duty plan. In accord with NH RSA 21-I: 43-a Ms. Browne's lost time has not been charged against her annual leave or sick leave and she remained on the active payroll.

Following a thorough review of the March 3, 2011, incident and facts related to Ms. Browne's injury, the Commissioner of the Department of Health and Human Services determined on March 16, 2012, that Linnette Browne's injury was 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: LINNETTE BROWNE Incident Date: 3 / 3 / 11 Time: 1:50 AM/PM
(Please print)

Department: REHAB Unit: E Job Title: ACTIVITY THERAPIST

EXACT LOCATION OF INCIDENT

Building: APS Unit: E 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# 75859
- 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 had asked if she could go to the library. I was HEAD TO HER Drs Office when she came after me behind the N.S. down the hall in front of the staff Bathroom and Grabbed my R arm squeezing my thumb and wrist.

Total number of hours worked at time of injury: 4.5

STAFF WITNESSES (if any): HSA Nurse AND MHW

TREATMENT

Treatment received on site, please explain: ICE TO AREA / horse shoe band
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: Linnette Browne DATE: 3/3/11

SUPERVISOR'S STEPS TAKEN AFTER REVIEWING THIS INCIDENT REPORT:

- Reviewed and discussed incident with employee before returning to work? Explain: asked Linnette to consult with employee health nurse/wait nurse
- 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 Linnette was advised to go to horse shoe band.

DATE: 3/3/11 IMMEDIATE SUPERVISOR'S NAME: DONNA OSBORN (PLEASE PRINT)