



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
603-271-9344 1-800-852-3345 Ext. 9344
Fax: 603-271-4810 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

October 15, 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 Service that on September 27, 2012, Timothy McKenna, 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 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.

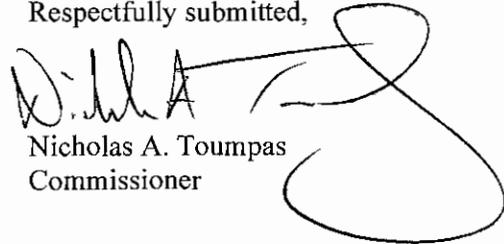
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Timothy McKenna is a Mental Health Worker II who was injured in the line of duty and rendered temporarily unable to perform the duties of his position. On September 27, 2012, while standing behind the nurses' station a patient jumped over it and came down with his whole body on Mr. McKenna.

As a result of the injuries sustained, Mr. McKenna was transported to Concord Hospital and required medical attention. He was rendered unable to perform his duties beginning that day and the weeks that immediately follow. He is expected to be out of work 4 to 6 weeks. In accord with NH RSA 21-I: 43-a Mr. McKenna'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 September 27, 2012, incident and facts related to Mr. McKenna's injury, the Commissioner of the Department of Health and Human Services determined on October 2, 2012, that Mr. McKenna'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

Name: Tim McKenna Incident Date: 9/27/12 Time: 6:50 AM (PM)

Department: Nursing Unit: D Job Title: MHW

Building: APS Unit: D 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# 01-25-79
- During Restraint -Med Rec# _____
- Needlestick/Sharp - Med Rec# _____
- Bites - Med Rec# _____
- Contamination/Body Fluids - Med Rec# _____

HOW DID OCCURRENCE OF ILLNESS OCCUR?

Description of Incident: (Be specific, including any injuries you received and on what part of your body)
Rt Jump over Nurses Station Salinamer fist hitting MHW in the face; Came down e. whole body on top of MHW in small space behind Nurses Station. MHW reported twisted @ Ankle, Nose was bleeding from punch in the face.

Total number of hours worked at time of injury:

STAFF WITNESSES (if any): One Smith-Calken, Katelyn Pike RN, Kimberly Singer RN, Gillian Hester RN

TREATMENT

Treatment received on site, please explain: Ice to Ankle & Nose
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.

Walter Sign @ The Home

EMPLOYEE'S SIGNATURE: _____ DATE: _____

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: 9/27/12 OVER IMMEDIATE SUPERVISOR'S NAME: Angela Call RN
(PLEASE PRINT)