

Hepatitis C: Occupational Disease For A Caregiver, If Linked To Exposure At Work.

Four days after starting her employment at the medical center a lab assistant's hair, mouth, eyes and clothing were splashed with blood from a Hepatitis C positive patient as she was assisting with the patient in the intensive care unit.

The nurse serving as the facility's employee-wellness coordinator had the lab assistant give a blood sample that same day, which tested positive for Hepatitis C.

She was tested again six months later and was again positive.

The Court of Appeal of Louisiana

An occupational disease is defined for purposes of workers compensation as a disease or illness due to causes and conditions characteristic of and peculiar to the particular trade, occupation, process or employment in which the employee is exposed to such disease.

COURT OF APPEAL OF LOUISIANA
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acknowledged that the law does recognize Hepatitis C as an occupational disease among healthcare workers.

However, the court denied her claim based on the wellness coordinator's expert testimony. If her blood was already positive on the day of this exposure her illness had to have pre-dated her employment at the medical center. Jenkinson v. North Oaks Medical Center, __ So. 2d __, 2006 WL 1576066 (La. App., June 9, 2006).