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NEW JERSEY SUPERIOR OFFICERS ASSOCIATION

Affiliated with the Fraternal Order of Police as NJSOA Lodge 183

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Monday, November 06, 2006

Mr. D. Craig Stevens, Director
State of New Jersey
Department of Corrections
Office of Human Resources
P. O. Box 863
Trenton, NJ 08625-0863

Re: Methicillin Resistant Staphylococcus Aureus (MRSA)

Director Stevens,

I am in receipt of your letter regarding the department's implementation of additional procedures when an employee files a Sick Leave Injury (S.L.I.) claim related to Methicillin Resistant Staphylococcus Aureus (MRSA).

You indicate that when an employee submits an RM-2 form for MRSA, the employee will be provided a medical questionnaire that must be filled out, and that "requested lab results and antibiogram" must be submitted. This form must be returned to the Office of Human Resources within five (5) business days.

The MRSA medical questionnaire asks for the employee's name, title, Institution, and work location, and lists ten (10) specific questions related to MRSA exposure. It has been relayed to me by the department that the intention is to help move MRSA exposure SLI cases more expeditiously. However, this association still has some concerns with this new procedure regarding employee MRSA exposure(s) and requests for SLI.

- First, the MRSA Questionnaire seeks personal medical information of the employee as well as his or her family members. Then the department wants this information submitted to non-medically trained civilian personnel at the Office of Human Resources. This is an issue of medical confidentiality.
- The MRSA Questionnaire seeks specific information as to where and how an exposure occurred. This may prove problematic since symptoms of MRSA may take some time to manifest and most custody employees may not be aware of how and where any such exposure occurred.

- The MRSA Questionnaire also requires that the employee identify the person(s) with whom they believe they may have contacted MRSA from. This again will prove problematic for custody employees since we will not be aware of which person (inmate) has MRSA.
- Lastly, the MRSA Questionnaire notes that the employee must attach laboratory culture results and the antibiogram (e.g. antibiotic sensitivity pattern) with the questionnaire. There may be a couple of problems with this.
 - An employee may have already been evaluated and treated by a physician, and a laboratory culture and an antibiogram may not have been conducted before he or she has been made aware that they are required.
 - An employee's physician may not order a laboratory culture or an antibiogram for a number of reasons. If these are required by the department, and the treating physician fails or otherwise opts not to order these tests, what recourse will there be? Can the department dictate what medical tests are ordered by the treating physician? And who will be responsible for the costs of these tests?

As you are very much aware, employee exposures to MRSA are not going to be eliminated. In fact, as Dr. Woodward has indicated on several occasions, exposures are more likely to increase. In the prison setting, employees are sure to be exposed to inmates infected with the MRSA virus. We need to ensure that employee MRSA infections, which would not have occurred but for a specific work-related condition of employment are compensable under State SLI guidelines. These exposures would be compensable under statute and consistent with applicable case law.

If this new MRSA Questionnaire is a measure to assist in the expedient approval of employee SLI requests, we are eager to assist. Please keep in mind, our concerns. We look forward to working with the department in addressing this serious employee health concern. Thank you for your time and cooperation in this matter.

Sincerely yours,


Jeffrey Smith
President

CC:
George Hayman, Commissioner
Executive Board
Membership
Mario Iavicoli, Counsel
File