

**Ohio Senate
Insurance and Financial Institutions Committee
H.B. 27
Written Testimony of Kara Afrates**

Dear Senators,

The Ohio Statehouse passed a cancer presumption bill last year to protect cancer stricken fire fighters and their families. The bill passed with a bi-partisan super majority in both houses and was signed into law by our sitting governor. According to John Van Doorn at the Ohio Association of Justice, only two worker's comp claims have been filed under the new law since it took effect on April 6, 2017.

Before the law even took effect, Cincinnati area Rep. Tom Brinkman started a process to weaken the law – directly contravening a promise he personally made to me that he would wait a year (not a few weeks) and see how the law was working then tweak it to help (not hurt) these families.

Rep. Brinkman's proposed bill, H.B. 27, has several measures that I feel are quite sickening.

1) The current law states that fire fighters off active duty for 20 years are eligible for the presumption (because cancer can take 20 – 30 years to develop after a toxic exposure). Rep. Brinkman's bill proposes reducing this active duty provision to 15 years. This will hit retirees especially hard after January 2018 when the Ohio Police and Fire Pension Fund discontinues providing retirees with Medicare gap insurance. The co-pay for Medicare is 20%. So a bag of chemo costing \$20,000 will give that retiree a co-pay of \$4,000 per treatment, six treatments would cost \$24,000 – not to mention the costs of any surgeries, doctor's visits, etc. That same retiree would have his medical care covered 100% under worker's comp – which is why this law should not be diluted – so these fire fighters get the care they need.

2) The current law creates a presumption if a fire fighter is exposed to one of a long list of chemicals. The proposed bill helps cities rebut that the specific chemical caused the fire fighter's particular cancer with the lowest standard of evidence. Fire fighters already have difficulty proving these claims because cities don't test what burns to see what's in it, the cancer comes years later (often 20 to 30 years later), and the cities often don't keep records past 7 years – wiping away any evidence that might help these cancer-riddled fire fighters and their families prove their cases. This is why the cancer presumption bill was originally needed.

I respectfully ask that the bipartisan fire fighter cancer presumption law passed by a supermajority in both houses last year not be amended in any way.

3) The proposed bill would also reduce the number of years all workers have to file a worker's comp claim from 2 years to 1 year. There is no logical reason to limit the filing time of any worker with an occupational injury -- most especially any individual with cancer. If you are a cancer survivor or have a cancer survivor in your family, you know that sometimes the

treatments are lengthy. I know a fire fighter who had to get one chemo a week for 52 weeks to fight his colon cancer. So while his hair is falling out, he is nauseated and can't eat, his system is compromised and his immunity is weak – we are asking this person to drag himself in to see an attorney? This is unreasonable to ask of anyone in that position or condition.

I respectfully ask that the time limit for injured workers to file workers' comp claims remain at two years.

4) The proposed bill would take undocumented workers with workplace injuries out of the worker's comp system – effectively giving unscrupulous employers an incentive to employ more undocumented workers in positions with the most hazardous conditions.

I respectfully ask that all workers remain within one unified workers comp system for both legal -- and especially moral -- reasons. How we treat the injured says a lot about who we are as Ohioans and human beings.

It has taken a long time to get the fire fighter cancer presumption enacted in Ohio. I myself have been fighting for it since 1993. My father's case has been closed for almost 17 years and this will not benefit me personally -- I just know the struggle the workers' comp system can impose on these heroes -- and that is why I respectfully ask that you protect the cancer presumption.

It would be an honor and privilege if you would let the law work for these compromised fire fighters and their families.

Thank you!

Sincerely,

Kara Afrates, with
Our fire fighter friends and family
Contact me: (440) 242-7959 cell