



## **I. Introduction and Purpose**

On July 1, 2019, Section 112.1816, Florida Statutes (“F.S.”), became effective. It provides that eligible firefighters who are diagnosed with certain cancers may receive certain benefits as an alternative to pursuing workers’ compensation benefits.

The purpose of this policy is for the West Manatee Fire Rescue District (“District”) to outline and define the eligibility requirements and benefits to which firefighters are entitled pursuant to Section 112.1816, F.S. This policy also outlines the procedures to be followed for a firefighter to claim eligibility and obtain such benefits.

## **II. Definitions**

- A. “Cancer” or “covered cancer” shall mean as that term is defined in Section 112.1816(1)(a), F.S., as:
1. Bladder cancer.
  2. Brain cancer.
  3. Breast cancer.
  4. Cervical cancer.
  5. Colon cancer.
  6. Esophageal cancer.
  7. Invasive skin cancer.
  8. Kidney cancer.
  9. Large intestinal cancer.
  10. Lung cancer.
  11. Malignant melanoma.
  12. Mesothelioma.
  13. Multiple myeloma.
  14. Non-Hodgkin’s lymphoma.
  15. Oral cavity and pharynx cancer.
  16. Ovarian cancer.
  17. Prostate cancer.
  18. Rectal cancer.
  19. Stomach cancer.
  20. Testicular cancer.
  21. Thyroid cancer.

The term “cancer” or “covered cancer” does not include pre-cancerous or pre-malignant cells. “Invasive skin cancer” does not include Basal Cell Carcinoma or Squamous Cell Carcinoma, which are the most common diagnosis of skin cancer but are deemed benign and non-melanoma as they are slow growing and non-invasive.

- B. “Eligible firefighter” shall mean a firefighter who meets the requirements provided in Section III.A. of this policy.



C. “Firefighter” shall mean as that term is defined in Section 112.1816(1)(b), F.S., as an individual employed as a full-time firefighter within the fire department or public safety department of an employer whose primary responsibilities are the prevention and extinguishing of fires; the protection of life and property; and the enforcement of municipal, county, and state fire prevention codes and laws pertaining to the prevention and control of fires.

D. “Pre-cancerous cells” or “pre-malignant cells” shall mean abnormal cells that could turn into cancerous cells, but which by themselves are not invasive and are not cancer.

E. “Terminates employment” or “termination of employment” shall mean any termination of a firefighter’s employment with the District which occurs for any reason, including but not limited to a firefighter’s voluntary resignation, dismissal for cause, disability, or retirement.

### **III. Eligibility for Coverage**

A. Eligibility Requirements. In order to be eligible for benefits pursuant to this policy and as provided in Section 112.1816(2), F.S., as an alternative to workers’ compensation benefits under chapter 440, F.S., a firefighter must meet the following requirements:

1. The firefighter has received a diagnosis of a cancer in section II.A after July 1, 2019.
2. The firefighter must not be pursuing or receiving workers’ compensation benefits under chapter 440, F.S., for such diagnosis of cancer.
3. The firefighter must be employed full-time as a firefighter with the District as of July 1, 2019; or, solely for the purpose of providing the benefits outlined in Section IV.A. and IV.B of this policy, must have retired from the District as a full-time firefighter on or after July 1, 2009.
4. The firefighter has been employed by the District for at least 5 continuous years.
5. The firefighter has not used tobacco products for at least the preceding 5 years.
6. The firefighter has not been employed in any other position in the preceding 5 years which is proven to create a higher risk for any cancer.
7. Solely for the purpose of providing the benefits outlined in Sections IV.A. and IV.B. of this policy, if the firefighter has terminated his or her employment after July 1, 2019, the firefighter must have elected to continue coverage in the District’s Group Health Plan, either via retirement or COBRA, and must not have been subsequently employed as a firefighter following that date.



B. Medical Release of PHI.

1. In order to confirm a diagnosis of cancer, the District will request the firefighter's medical records directly from the physician making the initial diagnosis. The firefighter must provide to the District a signed release of personal health information ("PHI") from the physician who provided the initial diagnosis of cancer. Paperwork provided to the District directly from the firefighter will not be solely relied upon to confirm the diagnosis of cancer.
2. The District may request and/or require additional PHI from other physicians treating the diagnosis of cancer if circumstances related to the provision of benefits under Section 112.1816, F.S., and this policy so require.
3. A standard PHI form is provided as Exhibit "A" to this policy.

C. Affidavit Concerning Employment. In order to determine a firefighter's eligibility under Section 112.1816, F.S., and this policy, a firefighter must submit to the District a signed and notarized affidavit that states the following information:

1. The firefighter has been employed by the District for at least 5 continuous years.
2. The firefighter has not used tobacco products for at least the preceding 5 years.
3. The firefighter has not been employed in any other position outside of the District in the preceding 5 years which is proven to create a higher risk for any cancer.
4. If the firefighter has terminated his or her employment after July 1, 2019, the firefighter has not been subsequently employed as a firefighter following that date.
5. The firefighter understands that he or she is providing this information under penalty of perjury.
6. A standard Affidavit form is provided as Exhibit "B" to this policy.

**IV. Benefits**

An eligible firefighter is entitled to receive the following benefits as an alternative to pursuing workers' compensation benefits under chapter 440, F.S.:



A. Deductible, Copayment, or Coinsurance Cost Reimbursement.

1. Pursuant to Section 112.1816(2)(a), F.S., an eligible firefighter is entitled to cancer treatment covered within the District's Group Health Plan. Balance billing and non-covered cancer treatment (including investigative or experimental treatment) are not reimbursable.
2. Pursuant to Section 112.1816(2)(a), F.S., an eligible firefighter as outlined in Section III.A. of this policy is entitled to the District's timely reimbursement of any annual out-of-pocket deductible, copayment, or coinsurance costs incurred due to the treatment of cancer. Reimbursement of deductible, copayment, or coinsurance cost are not eligible if incurred prior to July 1, 2019; however, reimbursements of deductible, copayment, or coinsurance costs after July 1, 2019, even if the cancer diagnosis is pre-July 1, 2019, are eligible for reimbursement. Only deductibles, copayments, and coinsurance costs under the annual out-of-pocket limits for the District's Group Health Plan are reimbursable. See, Summary of Benefits and Costs and/or the District's Summary Plan Document for maximum out-of-pocket limits.
  - a. The eligible firefighter must provide the District with an Explanation of Benefits ("EOB") from the District's Group Health Plan provider which provides the Current Procedural Terminology ("CPT") code and treatment date of service. EOBs are generally available from the District's Group Health Plan provider within 30 to 60 days following the date of service.
  - b. The EOB is required for the District's timely reimbursement of any annual out-of-pocket deductible, copayment, or coinsurance costs incurred due to the treatment of cancer. General receipts or bank charges presented as proof of payment will not be solely relied upon to determine reimbursements but may be provided in support of the corresponding EOB.
3. If the firefighter elects to continue coverage in the District's Group Health Plan (either via retirement or COBRA), this benefit must be made available by the District to the firefighter for 10 years following the date on which the firefighter terminates employment so long as the firefighter otherwise met the criteria specified in Section 112.1816(2), F.S. when he or she terminated employment and was not subsequently employed as a firefighter following that date.

B. One-Time Cash Payout.

1. Pursuant to Section 112.1816(2)(b), F.S., an eligible firefighter as outlined in Section III.A. of this policy is entitled to a one-time cash payout of \$25,000, upon the firefighter's initial diagnosis of cancer. The one-time cash lump sum benefit is allowed only for the initial diagnosis of one of the enumerated cancers. This cash lump sum benefit is not provided or allowed for subsequent new diagnosis, or reoccurrence of the same diagnosis that was formerly in remission. The cash lump sum benefit is not owed more than once regardless of



how many diagnoses of cancer or body parts affected. The one-time lump sum shall be a taxable benefit that is excluded from W-2 earnings.

2. If the firefighter elects to continue coverage in the District's Group Health Plan (either via retirement or COBRA), this benefit must be made available by the District to the firefighter for 10 years following the date on which the firefighter terminates employment so long as the firefighter otherwise met the criteria specified in Section 112.1816(2), F.S. when he or she terminated employment and was not subsequently employed as a firefighter following that date.

C. Retirement Plan and Death Benefits.

1. Pursuant to Section 112.1816(3)(a), F.S., if the firefighter participates in a District-sponsored retirement plan, the plan must consider the firefighter totally and permanently disabled in the line of duty if he or she meets the plan's definition of totally and permanently disabled due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer. Pursuant to Section 112.1816(4)(a), F.S., if the firefighter participated in a District-sponsored retirement plan, the retirement plan must consider the firefighter to have died in the line of duty if he or she dies as a result of cancer or circumstances that arise out of the treatment of cancer.
2. Pursuant to Section 112.1816(3)(b), F.S., if the firefighter does not participate in an employer-sponsored retirement plan, the District must provide a disability retirement plan that provides the firefighter with at least 42% of his or her annual salary, at no cost to the firefighter, until the firefighter's death, as coverage for total and permanent disabilities attributable to the diagnosis of cancer which arise out of the treatment of cancer. Pursuant to Section 112.1816(4)(b), F.S., if the firefighter did not participate in an employer-sponsored retirement plan, the District must provide a death benefit to the firefighter's beneficiary, at no cost to the firefighter or his beneficiary, totaling at least 42% of the firefighter's most recent annual salary for at least 10 years following the firefighter's death as a result of cancer or circumstances that arise out of the treatment of cancer.
3. Pursuant to Section 112.1816(4)(c), F.S., firefighters who die as a result of cancer or circumstances that arise out of the treatment of cancer are considered to have died in the manner as described in Section 112.191(2)(a), F.S., and all of the benefits arising out of such death are available to the deceased firefighter's beneficiary.
4. Pursuant to Section 112.1816(5), F.S., the costs associated with these retirement plan and death benefits, including the contributions necessary to fund the increased actuarial costs, will be solely borne by the District. The District also may not increase employee contributions required to participate in a retirement plan or system to fund the costs associated with these enhanced retirement and death benefits.



D. Salary and Benefits. A diagnosis of cancer shall be considered a line of duty illness and eligible firefighters shall receive their salary and benefits for all lost time due to absence for the treatment of such cancer.

**V. Effective Date and Availability of Benefits**

The One-Time Cash Payout benefit provided pursuant to Section 112.1816(2)(b), F.S., and Section IV.B. this policy is available to eligible firefighters upon a diagnosis of cancer made on or after July 1, 2019. Part-time or volunteer firefighters are not eligible for benefits pursuant to this policy or Section 112.1816, F.S. This policy shall provide guidance for the application of the provisions of Section 112.1816, F.S., and may be amended from time to time.