Understanding the Heart and Lung Act

Compensation for injuries on the job for police officers and paid firefighters in Pennsylvania is provided by the Workers Compensation Act and the Heart and Lung Act. Injured officers or firefighters who sustain a temporary work-related injury may be entitled to pursue a claim for benefits under both the Heart and Lung Act and the Workers Compensation Act.

The Heart and Lung Act covers specified public employees engaged in police work, firefighting or other jobs involving public safety. Under the Act, whenever a covered employee is temporarily injured in the line of duty, that employee is entitled to continuation of full salary (100%) including any increases, which occur during the employee’s absence from work. They are also entitled to accumulation of vacation, sick, personal and other leave time. The employer is responsible for all medical expenses incurred as a result of the injury.

Developing A System For Handling Heart and Lung Claims

Unlike workers’ compensation claims, Heart and Lung claims are administered by the municipality not Inservco. Heart and Lung claims are paid by the municipality and payment of these claims are required by the Act. If the municipality has purchased Heart and Lung coverage (Public Law 477 Liability Coverage Endorsement) from Penn PRIME then Penn PRIME will reimburse the difference between the employee’s full weekly salary and weekly temporary benefits from workers’ compensation. A separate claim should be filed, in writing, by the employee requesting Heart and Lung benefits.

The following seven steps will assist your municipality in handling a Heart and Lung Claim:

**Step One-Designate a Hearing Body to Hear and Settle the Claim**
Each municipality is entitled to designate a hearing body pursuant to Local Agency Law to hear and settle Heart and Lung claims. It is preferable to designate this hearing body in advance of the Heart and Lung claim. You may use the council, commissioners, supervisors, civil service commission, municipality’s solicitor or a disinterested third party such as arbitrator to sit upon the hearing body.

**Step Two-Designate A List of Treating Physicians**
A municipality should bargain the ability to apply the Workers’ Compensation physician posting and procedures to Heart and Lung claims and should include a posted list of physicians, medical cost caps, periodic IME’s, periodic medical reports and updates and documentation of medical bills.
Step Three- Investigate Any Reported Work-Related Injury or Accident
Employees should be required to report as soon as practical all work related injuries to their supervisor. This report should trigger an investigation including questioning witnesses, preserving any physical evidence and getting information.

Step Four-Schedule an IME (Independent Medical Examination)
The IME is needed as soon as possible to defend a Heart and Lung claim. If the employer does not obtain a prompt IME, it will have no evidence from which it can refute a Heart and Lung claim. A job description should be provided to the physician prior to the examination.

Step Five-Notify Employee of The Municipality’s Determination of the Heart and Lung claim
The employer should also notify the employee of the status of the Workers’ Compensation Claim as well. Under the Workers’ Compensation Act you must notify the status of the workers’ compensation claim within 21 days (this is done by Inservco your claims administrator). Under the Heart and Lung Act you should notify as soon as possible. The employee then should be given a limited amount of time to exercise his/her right to a hearing over his Heart and Lung status. The employee should be required to notify the municipality of his/her decision to pursue a hearing in writing.

Step Six: Conduct a Local Agency Hearing Over an Employees Heart and Lung status
A municipality must offer a hearing to a worker who is denied Heart and Lung Benefits conducted before the designated Local Agency Hearing Examiner (A municipality must also hold a Local Agency Hearing prior to terminating ongoing Heart and Lung Benefits) Note: the Hearing Examiner should not be involved in the investigation and/or decision to deny the employee’s claim. In order to be valid the Local Agency hearing must provide the following: reasonable advance notice of the date and time of the hearing as well as the issue in dispute; the right to be represented by council; right to present witnesses and to cross examine the municipality’s witnesses.

Step Seven: Monitor the Status of an employee receiving Heart and Lung benefits
Heart and lung benefits may only be terminated after a local agency hearing. Be wary of terminating a Heart and Lung claim based upon “permanency” of the employee’s injury as this could have a devasting effect on your Workers’ Compensation claim.