

# Heart & Lung Basics



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# Why are we having this conversation?

- This is a coverage that is not often used; therefore, it can be confusing.
- To clarify for those PPWCT members which have elected to carry Heart & Lung Coverage with PennPRIME that their reimbursements are processed thru PennPRIME.
- To provide guidance to all Members who handle these types of claims, whether they have Heart & Lung Coverage with us or not.
- To emphasize that you must take ownership of these claims and the process from day one.



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# 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 performance of their 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 or PennPRIME.
- Heart and Lung claims are paid directly by the municipality and payment of these claims is required by the Act.
- If the municipality has purchased Heart & Lung Coverage (Public Law 477 Liability Coverage Endorsement) from PennPRIME, then PennPRIME 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. However, the municipality is still responsible for administering the claim and paying the claim.



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# Seven Steps to Help Handle Heart & Lung Claims

- **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 on the hearing body.

- **this may be addressed in a Collective Bargaining Agreement (CBA). If not, then many times your governing body addresses this.**
- **keep your solicitor involved for proper guidance.**

- **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.

- **this is very important in case a Workers' Compensation claim is denied. You will need a way to control treatment.**
- **attempt to put this provision in your CBA, if applicable.**



## ... Steps to Help Handle Heart & Lung Claims

- **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 your investigation, including questioning witnesses, preserving any physical evidence and getting information.

- **Step Four: Schedule an Independent Medical Examination (IME)**

The IME is needed as soon as possible to defend a Heart and Lung claim. If the employer does not obtain a prompt IME, the entity 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. An IME ought to be coordinated with the Workers' Compensation claim, if applicable.



# ... Steps to Help Handle Heart & Lung Claims

- **Step Five: Notify the Employee and Inservco of The Municipality's Determination of the Heart and Lung claim**

The employer should notify the employee and Inservco of the status of the Heart and Lung claim, in writing. Under the Heart and Lung Act, you should notify all interested parties as soon as possible after an investigation is completed. The employee then should be given a limited amount of time to exercise his/her right to a hearing over his/her Heart and Lung status. The employee should be required to notify the municipality of his/her decision to pursue a hearing in writing.



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- **Step Six: Conduct a Local Agency Hearing Over an Employee's Heart and Lung status**

A municipality must offer a hearing to a worker who is denied Heart and Lung Benefits, which is to be 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; the right to present witnesses and to cross examine the municipality's witnesses.



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## ... Steps to Help Handle Heart & Lung Claims

- **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 negative effect on your Workers’ Compensation claim.

Remember to work with a Workers’ Compensation claims representative.

Example: Workers’ Compensation and Heart & Lung claims are opened...employee is on light duty...Heart & Lung claim is then terminated...Workers’ Compensation now may be forced to pay full lost time benefits again and address findings of the Heart & Lung claim.



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# Key takeaways ...

- Designate a person to handle Heart & Lung claims.
- Heart & Lung is for **temporary injuries**.
- Speak with and coordinate with a Workers' Compensation Claims Representative.
- Gather medical records and statuses yourself (or get help).
- Heart & Lung claims must be proven (use vacation or sick time until you are sure).
- Monitor status closely.
- Be proactive.

Link to all forms: **<http://www.pennprime.com>**



# Contact information

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