

NEWS & REGULATIONS

Court Rules that Sexual Impairment is Covered by 1973 Rehabilitation Act

The US Court of Appeals for the DC Circuit has expanded the definition of “disability” for federal employees protected under the 1973 Rehabilitation Act to include the inability to have sex.

The ruling reversed a district court dismissal of a claim that the State Department had discriminated against an employee with a history of breast cancer by denying her medical clearance to serve in the Foreign Service. The district court concluded that the employee’s cancer did not qualify as a disability because it was neither long-term nor permanent. However, the appellate court ruled that the employee’s treatment for the disease (removal of her breasts, ovaries, and fallopian tubes), did qualify because the employee could show that it limited a major life activity, i.e., her ability to enter into romantic relationships. Employment lawyers expect the ruling to lead to a multitude of new claims.

Read the article at Plan Sponsor News (http://www.plansponsor.com/pi_type10/?RECORD_ID=42444; free log in required) and at Law.com (<http://www.law.com/jsp/article.jsp?id=1202423325316&rss=newswire>).

Suicide Resulting from Industrial Injury is Compensable in Nevada

The Nevada Supreme Court has ruled that family members may collect workers’ compensation

benefits if a worker’s suicide is sufficiently connected to an industrial injury. Although benefits are not granted if an employee’s death results from “a willful intention to injure himself,” justices determined that benefits can be paid if a workplace injury leads to a psychological injury severe enough to interfere with a worker’s “rational mental process.”

Read the article at <http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/07/24/state/n154722D65>. DTL and court opinion at <http://www.nvsupremecourt.us/documents/advOpinions/124NevAdvOpNo53.pdf>.

DOJ: Body Armor Standards

The law enforcement community has had some longstanding concerns about the protective capacity of body armor. For example, in 2003, a police officer in Pennsylvania was severely injured when his body armor vest failed during a shooting. The Body Armor Safety Initiative was launched following that incident. The Department of Justice (DOJ) is promoting new performance standards for body armor to test effectiveness under diverse environmental and situational variables. These standards ensure that body armor has minimum ballistic and stab resistance and can function under extreme wear and tear, heat, humidity, etc.

Read the evaluation at <http://www.ojp.gov/nij/topics/technology/body-armor/safety-initiative.htm>. Learn more about compliant equipment at <http://www.justnet.org/BatPro>.

Propane Cylinder Safety Alert

A propane gas trade group is alerting anyone who uses propane cylinders of a potential life-threatening hazard. The National Propane Gas Association emphasizes the explosive danger of propane cylinders that have been tampered with. Some of this tampering may be caused by people who are using the cylinders for illegal production of methamphetamines (i.e., storing anhydrous ammonia in the cylinders).

The Association states: “The brass valve in a propane cylinder will be damaged if it comes in contact with ammonia. This deterioration will lead to cracking of the valve body or its components, ultimately resulting in a violent, unexpected expulsion of the valve from the cylinder [causing] injury or death.” It is dangerous to move cylinders that may have been tampered with in this manner, and only trained personnel (such as from fire departments or hazardous materials emergency response units) should handle them.

Read the safety alert at http://www.nmenv.state.nm.us/hwb/documents/Anhydrous_Ammonia_Propane_Cylinders.pdf.

Tips on Incentive-based Worksite Wellness Programs

Aaron Hardy, president and founder of Integrated Health & Wellness, teamed up with Dr. David Hunnicutt, president of the Wellness Council of America (WELCOA), to report on delivering incentive-based worksite wellness programs. The seven-



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page report, *The Power of Utilizing Incentive Campaigns*, is in Q&A format and is free from WELCOA. Topics include the advantages and disadvantages of incentives, optimal length of incentive campaigns, dollar value of the incentives, etc.

Visit Wellness Council of America at <http://www.welcoa.org> and read the report at http://www.welcoa.org/freeresources/pdf/aa_aaron_hardy.pdf.

OSHA Offers Web-based Disaster Recovery Resources

The Occupational Safety and Health Administration (OSHA) has created a new webpage to help link employers and employees to information on natural disaster cleanup and recovery hazards. The webpage is a one-stop resource linking to fact sheets and quick guides, activity sheets for evaluating hazards, public service announcements, FAQs, and safety and health guides. Visit OSHA at <http://www.osha.gov/OshDoc/flood-tornado-recovery.html>.

US Electronic Health-Record Standards Agreed

Visit Reuters at <http://www.medscape.com/viewarticle/576673> for this news report.

CDC Provides Guidance on Coping with Traumatic Events

The Centers for Disease Control and Prevention (CDC) offers an online guide for health professionals who may encounter trauma survivors. A traumatic event is considered to be an event, or series of events, that causes moderate to severe stress reactions. In addition to trauma survivors, rescue workers and friends and relatives of victims who have been directly

involved may experience stress reactions. Go to <http://emergency.cdc.gov/masscasualties/copingpro.asp> for information on coping with traumatic events and how health professionals can best interact with trauma survivors.

Statistical Connection between Education Level and Chronic Health Problems

Based on data from the 2006 National Health Interview Survey, the Centers for Disease Control contends that chronic health problems in adults can be correlated to education attainment. “[P]ersons who had less than a high school diploma were more than twice as likely as persons who had a bachelor’s degree or higher to be limited in their usual activities because of one or more chronic conditions.”

Review the *MMWR* summary and graph at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5722a6.htm>. Visit the National Center for Health Statistics at <http://www.cdc.gov/nchs/nhis.htm>.

Screening for Workers with ADHD?

Researchers who are part of the World Health Organization research consortium at Harvard Medical School suggest ADHD (Attention Deficit Hyperactivity Disorder) is a good candidate for targeted workplace screening and treatment programs. They claim workers with ADHD lose significant amounts of work time and therapies already exist to improve certain aspects of workers’ performance. “It might be cost-effective from the employer perspective to implement workplace screening programmes and provide treatment for workers with ADHD.”

The people studied were employed adult workers from ten countries, including the US. An average of 3.5% of workers have ADHD, and it is more common in males than females. Adults with ADHD may be hyperactive, easily distracted, forgetful, or impulsive and often do not know they have this disorder. These workers do approximately 22 days less work per year (in quality and quantity) than workers who do not have the disorder.

Read the *Science Daily* article at <http://www.sciencedaily.com/releases/2008/05/080527125324.htm>. Read the *British Medical Journal* abstract at <http://oem.bmj.com/cgi/content/abstract/oem.2007.038448v1>.

Diabetes on the Rise

Based on 2007 data, the Centers for Disease Control (CDC) states diabetes is affecting nearly 24 million Americans, or about 8% of the US population. This number represents an increase of over 3 million people in the last two years alone. Beyond the 24 million currently affected, the CDC estimates 57 million have pre-diabetic symptoms. Diabetes has increased in all age groups, and especially affects those over age 60.

Learn more about diabetes’ effect on physical fitness at the American Physical Therapy Association’s website: <http://www.apta.org>.