



Colorado Fire Fighters Cancer Trust Voluntary Cancer Award Program (VCAP)

BR22-1003

BR22-1003

Approves an intergovernmental agreement with the Trustees of the Colorado Firefighter Heart and Cancer Benefits Trust for \$560,000 and through 12-31-2026 to allow the Denver Fire Department to join the Voluntary Cancer Benefits Award Program, in place of the city's self-insured and self-administered Workers' Compensation program.

Firefighter Cancer Presumption Statute

2007 Colorado Firefighter Cancer Presumptive Act

- Five types of cancer covered: brain, skin, digestive system, hematological system, or genitourinary system
- Five years of employment as a firefighter required
- Pre-employment physical must have been completed
 - Death, disability, or impairment of health of a firefighter who has completed five or more years of employment as a firefighter, caused by cancer of the brain, skin, digestive system, hematological system, or genitourinary system and resulting from employment as a firefighter, shall be considered an occupational disease.
 - “Shall not be deemed to result from the firefighter’s employment if the firefighter’s employer or insurer shows by a preponderance of the medical evidence that such condition or impairment did not occur on the job”. C.R.S § 8-41-209 (2)(b)

Colorado Firefighter Voluntary Cancer Award Program (VCAP)

In 2017, the VCAP and the Colorado Firefighter Heart and Cancer Trust established:

- Legislature determined that the Colorado Firefighter Cancer Presumptive Act produced no demonstrable benefit to Firefighters and led to significantly greater costs to employers of Firefighters
- “VCAP created to provide a practical alternative for Firefighters to pursue in dealing with the costs and burdens of covered cancers without being forced to rely on recovering compensation under the rebuttable presumption created by House Bill 07-1088”. C.R.S. § 29-5-401.
- VCAP provides supplemental income and reimbursement for out-of-pocket costs not paid for by insurance and to reduce the cost of Workers’ Compensation insurance for employers of Firefighters. Trust established to oversee benefits
- The Colorado Workers’ Compensation Act was amended to state that an employer who participates in the VCAP is not subject to the requirements of coverage under the Presumptive Act unless the employer ends participation in the VCAP. C.R.S § 8-41-209 (4).

Denver Fire Department Cancer Claims

- 58 firefighter cancer Workers' Compensation claims have been filed under presumption act
 - Notice of Content (denial) filed on all claims
 - 27 denied
 - 22 open claims
- Average age at diagnosis 50
 - Youngest 26; oldest 85
- Six deaths
- \$11.2M incurred to date

Volunteer Cancer Award Program (VCPA) Benefit/Payout

Type of Cancer and Stage Related to Award Level

Cancer Type	Stage 0	Stage 1	Stage 2	Stage 3	Stage 4
Brain	0	0	1	6	8
Digestive	0	2	5	7	9
Genitourinary	0	2	4	6	9
Hematological	0	0	3	6	8
Brain	0	2	5	8	10
Breast	1	2	5	7	8
Thyroid (2023)	0	0	3	6	8

Benefit Table Under SB 17-214

Award Level	Applicable Award
One	\$4,626
Two	\$10,407
Three	\$21,971
Four	\$30,644
Five	\$37,149
Six	\$47,990
Seven	\$80,513
Eight	\$102,195
Nine	\$199,765
Ten	\$264,811

- *Benefits sent within 10 days of claim acceptance*
- *Large benefits paid in three-year installment*
 - *Terminal cancer claim benefit payout includes immediate lump sum of \$25,000*

VCAP Pros and Cons

Pros:

- Quick eligibility determination (work related acknowledgement)
- Pre-determined payout
- Coverage for breast and thyroid cancer (not currently part of the presumptive legislation and covered under Workers' Compensation)
- No investigation into eligibility (presumed work exposure)
- Additional benefit available for vocational training, cancer education, and cosmetic disfigurement
- Medical treatment provided by personal physician

Cons:

- Employee's out of pocket expenses may exceed payout

Workers' Compensation Pros and Cons

Pros:

- Full medical coverage (if accepted), including pharmacy
- Potential lifetime benefits
- Reimbursement for incidentals such as mileage and durable medical equipment

Cons:

- Eligibility determination could take months
- Initial out of pocket expenses paid by claimant
- Burden of proof on the City to determine exposure was work related and did not occur due to outside activities (investigation into on and off work exposures required)
- Seen as overly bureaucratic; requiring work of the employee
- 'Notice of Contest' (denial) filed on all claims initially
- Must see one of the City's designated WC providers

Fire and Police Pension Association (FPPA) and Collective Bargaining Agreement (CBA) Benefits

Additional benefits received through FPPA and the CBA include:

- Temporary disability
- Permanent disability
- Spousal and dependent child death benefits
- Life insurance
- \$20,000 funeral benefit (vs. \$7k Workers' Compensation benefit)
- Salary continuation until FF has reached Maximum Medical Improvement (MMI)

Ordinance Request

Allow the City and County of Denver to Join VCAP

- \$338 per full time fire fighter with five years tenure

After extensive research, it is the determination of Risk Management that benefits received through VCAP, FPPA and CBA are sufficient to care for a Firefighter diagnosed with a covered cancer. Removing the Workers' Compensation process requirements will allow impacted employees to focus on treatment.

Cancer Prevention Initiatives

Risk Management continues to partner with Denver Fire Department on **cancer prevention initiatives** and growing the Department of Safety wellness program:

- Annual wellness screenings and consultations
- Kaiser Permanente Concierge Team
- Denver Fire Department member education
- Department wellness program including mental resiliency coordinator, wellness coordinator and two physical therapists
- 2022 development of Department of Safety wide wellness/resiliency program:
 - Department of Safety physician focused on education and prevention
 - Department of Safety Director of Wellness
- Gear Changes
- Post-fire decontamination procedures
- Self Contained Breathing Apparatus (SCBA's) upgrade grant request



Questions?