



There have been questions raised recently regarding Lung Cancer being covered under VFBL, specifically, Section 11-c. Currently, there are 2 sections to 11-c, One addresses lung cancer, the other, newer one, addresses HIV.

As it stands now, the section reads as follows:

“ VFBL Section 11-C provides a presumption that any condition or impairment of health caused by diseases of the lung, resulting in total or partial disability or death, where such volunteer firefighter successfully passed a physical examination on entry into service or subsequent thereto, which examination was free of evidence of such conditions, then such shall be presumptive evidence that such disability or death was caused by the natural and proximate result of an accident, not caused by the firefighter’s negligence and was incurred the performance and discharge of duty.

The bill became effective in August, 2006 and is set to expire June 20,2020, as another VFBL 11-C (Medical Examination to Detect HIV) was added by another act. This section applies to various diseases of the lungs, not just cancer. Neither the statute nor its references indicate whether upon expiration the presumption will be added by another act or to another statute.”

What does all this mean? It appears that 11-c will expire because a “new” 11-c including HIV has been added. This does not mean that the presumption for lung diseases will be eliminated. In all likelihood, it will appear as a different designated section. At this moment, there is no pending Senate/Assembly bill addressing this, but it is still early. Most likely next session.

GML 205-cc does not revoke coverage under VFBL 11-c, or any other statute. VFBL 11-c was renewed in 2010. At this time, there is no credible reason to believe that post June 2020 lung cancer will no longer be covered. At a minimum, that would be completely contrary to the purpose and intent of the WCL/VFBL. Our office will stay on top of this and provided you with updated information as it becomes available.

Should you have any questions or concerns, please reach out to Lenore Pearson-Vouitsis, John Forman or Matthew Vehlies at Fire Districts of New York Mutual Insurance Company. 845-352-8855.

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