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State: Fla.

Elevated Blood Pressure Didn't Foreclose Officer From Invoking Heart-Lung Statute : SOUTH [2017-10-25]

Florida's 1st District Court of Appeal ruled that a single elevated blood pressure reading noted in a police officer's pre-employment physical examination did not constitute evidence of a hypertensive condition.

Case: City of Tavares v. Harper, No. 1D17-0027, 10/24/2017, published.

Facts: Billy Harper worked for the City of Tavares as a police officer. In 2016, he experienced two incidences of severely elevated blood pressure, and his doctor took him off work. Harper was eventually diagnosed with hypertension.

He filed a workers' compensation claim, relying on the Florida Heart-Lung Statute to establish industrial causation for his condition.

The Heart-Lung Statute, codified at Florida Statutes Section 112.18(1), provides a rebuttable presumption that any health condition or impairment of a law enforcement officer caused by hypertension was caused by his employment.

To qualify for the presumption, an officer must have undergone a pre-employment physical examination that didn't reveal any evidence of a hypertensive condition. The city argued that Harper could not satisfy this requirement, since his 2007 pre-employment physical examination documented a blood pressure reading of 140/60.

A reading of 120/80 is considered normal, and 140/60 is considered high.

Harper's medical records from 2001 through 2015 contain no mention of hypertension or to any other elevated blood pressure readings.

The medical experts who testified at the hearing on Harper's claim said that an isolated elevated blood pressure reading could be caused by hypertension, but also by a number of other conditions unrelated to hypertension, including what is commonly referred to as "white coat" syndrome.

"White coat" syndrome describes a transient increase in blood pressure caused by the stress of undergoing a blood pressure reading.

For that reason, the experts stated that multiple abnormal readings are required to confirm the condition of hypertension.

Harper's independent medical examiner also said it was unlikely that a single reading could be evidence of hypertension, since it is "extremely rare that patients become hypertensive and then are not."

Procedural history: A judge of compensation claims found that the pre-employment physical examination did not show evidence of hypertension, and he said Harper was entitled to the presumption provided by Section 112.18(1).

Analysis: The 1st District Court of Appeal rejected the idea that a single reading of elevated blood pressure constituted evidence of a hypertensive condition.

While Section 112.18(1) says there must not be "any evidence" of hypertension at the pre-employment physical, the court said declined to read "any evidence" so broadly as to encompass anything that tended to prove or disprove the existence of



an alleged fact.

“This interpretation would eviscerate the statutory presumption, and it ignores the second part of the relevant portion of the statute which requires that the evidence relate to the listed condition,” the court said.

The court posited that “the factually specific nature of the presumption requires evidence specific to the facts of the claim and in the context of the unique medical history of the claimant — not simply ‘any evidence’ as it may apply to the population at large.”

The court said the evidence in this case established that Harper’s pre-employment examination failed to reveal evidence of hypertension, so he was entitled to the statutory presumption of Section 112.18(1).

Disposition: Affirmed.

To read the decision, [click here](#).