

SB 507-3
(LC 2181)
3/5/19 (TSB/ps)

Requested by SENATE COMMITTEE ON WORKFORCE

**PROPOSED AMENDMENTS TO
SENATE BILL 507**

1 On page 3 of the printed bill, delete lines 15 through 45 and delete page
2 4 and insert:

3 “(7)(a) As used in this subsection:

4 “(A) ‘Fire service professional’ means a ^{“nonvolunteer”, as “nonvolunteer” is defined in subsection (5)(h) of this Section,} firefighter employed by any poli-
5 tical subdivision of this state, a special government body, as defined in ORS
6 174.117, or a public fire protection agency that engages primarily in fire
7 prevention, fire safety, fire control, fire suppression or fire investigation,
8 providing emergency medical services, light and heavy rescue services,
9 search and rescue services or hazardous materials incident response.

10 “(B) ‘Psychiatrist’ means a psychiatrist whom the Oregon Medical Board
11 has licensed and certified as eligible to perform the diagnoses described in
12 this subsection. <sup>(B) ‘Psychiatric Mental Health Nurse Practitioner’ means a certified nurse practitioner whom the Oregon State Board
of Nursing has licensed as eligible to perform the diagnoses described in this subsection.</sup>

13 “(C) ‘Psychologist’ means a licensed psychologist, as defined in 675.010,
14 whom the Oregon Board of Psychology has certified as eligible to perform
15 the diagnoses described in this subsection.

16 “(D) ‘Public safety personnel’ means a ^{“nonvolunteer”, as “nonvolunteer” is defined in subsection (5)(h) of this Section,} police officer, corrections officer,
17 parole and probation officer, emergency operator or dispatcher or emergency
18 medical services provider employed by any political subdivision of this state,
19 a special government body, as defined in ORS 174.117, or a public agency.

20 “(E) ‘Trauma ^{and stressor} ~~or stress~~-related disorder’ means a mental or psychological
21 disorder that is recognized and specified ^{by diagnostic criterion} as a trauma ~~related or stress~~-related ^{and stressor}

1 disorder in the fifth edition^{, or current edition,} of the Diagnostic and Statistical Manual of
2 Mental Disorders published by the American Psychiatric Association ~~in-~~
3 ~~cluding, but not limited to:~~

4 “(i) Post-traumatic stress disorder;

5 “(ii) Acute stress disorder;

6 “(iii) Adjustment disorder;

7 “(iv) ~~Reactive attachment disorder; and~~

8 ~~“(v) Disinhibited social engagement disorder.~~

9 “(b) Notwithstanding subsection (2) of this section and the provisions in
10 subsection (3) of this section that require certain demonstrations for a men-
11 tal disorder to be compensable, death, disability or impairment of health of
12 a fire service professional or public safety personnel is a compensable occu-
13 pational disease if:

14 “(A) A ^{psychiatric mental health nurse practitioner,} psychologist or psychiatrist has diagnosed a trauma ^{and stressor} ~~or stress-~~
15 related disorder as the cause of the death, disability or impairment of health;

16 “(B) The employment conditions that produce the trauma ^{and stressor} ~~or stress-~~ related
17 disorder exist in a real and objective sense and arise from a single traumatic
18 or stressful event while performing duties as a fire service professional or
19 as public safety personnel or arise in the course of performing duties as a
20 fire service professional or as public safety personnel during any period of
21 two years or more;

22 “(C) The employment conditions that produce the trauma ^{and stressor} ~~or stress-~~ related
23 disorder are not conditions generally inherent in every working situation,
24 are not reasonable disciplinary, corrective or job performance evaluation
25 actions by the employer and are not employment decisions, including a de-
26 cision to cease employment, attendant upon ordinary business or financial
27 cycles; and

28 “(D) A claim for benefits that is based on a trauma ^{and stressor} ~~or stress-~~ related dis-
29 order is not filed more than 84 months after a termination of employment
30 as a fire service professional or as public safety personnel.

1 “(c) For the purposes of this subsection:

2 “(A) Death, disability or impairment of health shall be presumed to result
3 from performing duties as a fire service professional or as public safety per-
4 sonnel;

5 “(B) A denial of a claim for compensation for death, disability or
6 impairment of health must be on the basis of clear and convincing medical
7 evidence that performing duties as a fire service professional or as public
8 safety personnel was not the cause of, or did not contribute in material part
9 to, the death, disability or impairment of health; and

10 “(C) The presumption described in subparagraph (A) of this paragraph
11 may be rebutted only by clear and convincing medical evidence that ~~the~~
12 ~~cause of the death, disability or impairment of health is unrelated to per-~~
13 ~~forming duties as a fire service professional or as public safety personnel.~~

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14 “(d) Notwithstanding ORS 656.027 (6), a city that provides a disability or
15 retirement system for firefighters and police officers by ordinance or charter
16 that is not subject to this chapter, when accepting and processing claims for
17 death, disability or impairment of health from firefighters and police officers
18 covered by the disability or retirement system, shall apply:

19 “(A) The provisions set forth in this subsection; and

20 “(B) The time limitations for filing claims that are set forth in ORS
21 656.807.

22 **“SECTION 2. The amendments to ORS 656.802 by section 1 of this**
23 **2019 Act apply to all claims for benefits that occur or are pending on**
24 **or after the effective date of this 2019 Act.”.**

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