



FIRE AND POLICE DISABILITY AND RETIREMENT City of Portland, Oregon



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Samuel Hutchison, Director fpdr@portlandoregon.gov

March 25, 2019

To: Kevin Billman, Chair, Management Labor Advisory Committee Subcommittee on HB 2814.SB 507

From: Sam Hutchison, FPDR Bureau Director

Subject: FPDR Tracking Document for PTSD Workers Comp Legislation for Police Officers and Firefighters

At the end of last Friday's MLAC Subcommittee on HB 2814/SB 507 meeting, I offered to send you a copy of the document I created to track PTSD workers compensation legislation throughout the country.

The document (*PTSD Workers Comp Legislation for Police Officers and Firefighters*) is attached. It provides a summary of each bill. The summary is brief. Therefore, I recommend that you research any bill you want more information on. I have included a legislative link for each bill in a table at the end of the document.

The summary includes:

- State, bill number and year of legislation
- Who is covered by the bill
- The covered conditions (diagnoses)
- The medical specialty required, if applicable, to diagnose the covered conditions
- The level of proof need to "prove" or rebut the claim
- Status of the bill
- Projected claims and costs

If you have any questions about the document, please email or call me. My contact information:

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Direct Phone: 503 823-5500

Thank you.



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PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
Arizona HB 2438 (2015)	Establishing the “post-traumatic stress disorder in public safety study”		Signed into law	
Arizona HB 2501 (2018)	Covered: Firefighters, Peace Officers PTSD diagnosis as defined in DSM	Employer/insurer: Preponderance of evidence that PTSD was caused by other than service connected exposure	Died in committee	<u>Fiscal Note</u> 3.6% of first responders may be granted benefits based on having PTSD. (“Highly speculative”) The cost to state agencies would be \$1.8 million to \$17.5 million in FY 2019
Colorado HB 17-1229 (2017)	Covered: all employees PTSD diagnosis as defined in DSM Supported by psychiatrist or psychologist Compensable if PTSD related to specific causes	None stated	Signed into law	<u>Fiscal Note</u> Number of claims unknown Costs of \$35,000 in medical, indemnity and legal expenses per claim

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
Connecticut SB 763 (2017)	Covered: police officer, firefighter PTSD diagnosed by psychiatrist or psychologist Compensable if PTSD related to specific causes	None stated	Died in committee	
Connecticut SB 134 (2016)	Covered: police officer, firefighter, ambulance worker PTSD diagnosed by psychiatrist or psychologist Compensable if PTSD related to specific causes	None stated	Died in committee	<u>Fiscal Impact</u> Number claims and costs unknown and highly variable. Estimate \$20,000 to \$150,000 cost per case
Florida SB 516 (2017)	Covered: first responder (Firefighters, paramedics, emergency medical technicians, and law enforcement officers) PTSD diagnosis as defined in DSM	Claimant: Show clear and convincing evidence	Died in committee	None provided
Florida SB 1088 (2017)	Covered: first responder (Firefighters, paramedics, emergency medical technicians, and law enforcement officers) Mental or nervous injury (not limited to PTSD) Cause lowered to 'preponderance of evidence' from 'clear and convincing evidence' Requirement that mental or nervous condition must be associated with a physical injury removed	Claimant: Show preponderance of evidence	Died in committee	None provided

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
<p>Florida SB 376 (2018)</p>	<p>Covered: first responder (Firefighters, paramedics, emergency medical technicians, and law enforcement officers)</p> <p>Mental or nervous injury (not limited to PTSD)</p> <p>Cause lowered to 'preponderance of evidence' from 'clear and convincing evidence'</p> <p>Requirement that mental or nervous condition must be associated with a physical injury removed</p> <p>List of events that are covered</p>	<p>Claimant: Show preponderance of evidence</p>	<p>Signed into law</p>	
<p>Idaho S 1028 (2019)</p>	<p>Covered: Firefighter, police officer and emergency communications officer</p> <p>PTSD diagnosed (DSM-5) by psychologist, psychiatrist or counselor trained in PTSD</p>	<p>Claimant: Clear and convincing evidence that PTSD was work related</p>	<p>Signed into law</p>	<p>"The National Council on Compensation Insurance (NCCI) expects that the enactment of such legislation will increase cost on workers' compensation rates that local municipalities pay as claims come in. However, the extent of such increase is difficult to estimate due to significant data limitations."</p>
<p>Kentucky HB 40 (2019)</p>	<p>Covered: police officer, firefighter, or emergency medical services personnel or front-line staff as defined by statute</p> <p>Psychological, psychiatric, or stress-related change</p> <p>post-traumatic stress disorder</p>	<p>Claimant: proximate cause</p> <hr/> <p>Presumption overcome by preponderance of evidence</p>	<p>Introduced</p>	

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
New Hampshire SB 508 (2018)	Establishing a committee to study the prevalence of post-traumatic stress disorder (PTSD) and other related disorders among first responders.		Died in committee	
New Hampshire SB 553 (2018)	Establishing a commission to study the incidence of post-traumatic stress disorder in first responders and whether such disorder should be covered under workers' compensation.		Signed into Law	
Ohio SB 5 (2015-2016)	<p>Covered: peace officers, firefighters, emergency medical workers</p> <p>PTSD diagnosis</p> <p>Requirement that PTSD must be associated with a physical injury removed</p>	None stated	Died in committee	None provided
Oklahoma HB 2271 (2019)	<p>Covered: police officer, firefighter, emergency medical technician or any other employee of an emergency service</p> <p>Mental injury for first responders no longer has to be associated with a physical injury</p> <p>Note: HB 2364 had similar wording that was later removed from the bill</p>		Introduced	

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
Ontario Bill 163 (2016)	<p>Covered: Full-time firefighters, Part-time firefighters, Volunteer firefighters, Fire investigators, Police officers, Members of an emergency response team, Paramedics, Emergency medical attendants, Ambulance service managers, Workers in a correctional institution, Workers in a place of secure custody or place of secure temporary detention' Workers involved in dispatch.</p> <p>PTSD diagnosis</p> <p>Diagnosed by a psychiatrist or psychologist</p>	None stated	Signed into Law	
Oregon HB 2418 SB 507 (identical) (2019)	<p>Covered: (being updated)</p> <p>Condition caused by a mental or emotional trauma or a stress-related disorder that is generally recognized in the medical or psychological community</p> <p>Cannot consider outside factors or causes</p>	Presumption: clear and convincing	Introduced	<p><u>NCCI Analysis</u></p> <p>“NCCI estimates that, if enacted, LC 2820 may result in an indeterminate increase in WC system costs in Oregon. Much of the cost impact to first responders would be felt by governmental entities who are typically the employers of such professions. However, the estimated impact on overall WC system costs would be expected to be minimal, since data reported to NCCI shows that first responders represent less than 2% of losses in Oregon.”</p>
South Carolina S 429 (2015-2016)	<p>Covered: first responder</p> <p>PTSD Disorder that arises from the first responder's direct involvement in a significant traumatic experience or situation</p>	Claimant: preponderance of the evidence	Died in committee	<p><u>Fiscal Impact Statement</u></p> <p>Estimated 15% - 20% increase in workers' compensation premiums for first responders</p>

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
Texas HB 1983 (2017-2018)	Covered: peace officer, emergency care attendant, EMT, EMT-I, EMT, paramedic, firefighter PTSD diagnosis as defined in DSM	Claimant: preponderance of the evidence indicates that the event was a substantial contributing factor	Signed into law	None provided
Utah HB 209 (2018)	Covered: law enforcement officer, EMT, advanced EMT, paramedic, firefighter, dispatcher Establishes a working group to study a first responder's workers' compensation claim due to mental stress		Failed to pass prior to legislative adjournment	
Vermont H 197 SB 56 (2017)	Covered (SB 56): police officers, rescue or ambulance workers, or firefighters PTSD diagnosed by mental health professional Diagnosed with PTSD with three years of last active date of employment A mental condition resulting from a work-related event or work-related stress shall be considered a personal injury	Employer/insurer: Preponderance of evidence that PTSD was caused by nonservice risk factors Employee (stress claim): work is the predominate cause of stress	H 197 died in committee but was appended to SB 56 SB 56 Signed into Law	<u>Bill Analysis</u> "May result in a significant increase in WC system costs in Vermont for first responders." No cost details provided

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Summary	Level of Proof	Status	Projected Claims and Costs
Washington SB 6214 (2017-18)	Covered: firefighter, law enforcement officer PTSD diagnosis as defined in DSM Diagnosed with PTSD with ten years of employment as firefighter/police officer Compensable if PTSD related to specific causes	Employer/insurer: Preponderance of evidence that PTSD has another cause	Signed into law	Up to \$485,00 per claim

Web Links for Bills

State	Link
Arizona HB 2438 (2015)	https://apps.azleg.gov/BillStatus/BillOverview/66232?Sessionid=114
Arizona HB 2501 (2018)	https://apps.azleg.gov/BillStatus/BillOverview/70622?Sessionid=119
Colorado HB 17-1229 (2017)	https://leg.colorado.gov/bills/hb17-1229
Connecticut SB 763 (2017)	https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2017&bill_num=763
Connecticut SB 134 (2016)	https://www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Bill&which_year=2016&bill_num=134

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Link
Florida SB 516 (2017)	https://www.flsenate.gov/Session/Bill/2017/00516
Florida SB 1088 (2017)	https://www.flsenate.gov/Session/Bill/2017/01088
Florida SB 376 (2018)	https://www.flsenate.gov/Session/Bill/2018/00376
Idaho S 1028 (2019)	https://legislature.idaho.gov/sessioninfo/2019/legislation/s1028/
Kentucky HB 40 (2019)	https://apps.legislature.ky.gov/record/19rs/hb40.html
New Hampshire SB 508 (2018)	http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1924&txtFormat=pdf&v=current
New Hampshire SB 553 (2018)	http://gencourt.state.nh.us/bill_status/billText.aspx?sy=2018&id=1896&txtFormat=pdf&v=current
Ohio SB 5 (2015-2016)	https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA131-SB-5
Oklahoma HB 2271 (2019)	http://www.oklegislature.gov/BillInfo.aspx?Bill=hb2271&Session=1900
Ontario Bill 163 (2016)	https://www.ola.org/en/legislative-business/bills/parliament-41/session-1/bill-163

PTSD Workers Comp Legislation for Police Officers and Firefighters

State	Link
Oregon HB 2418 SB 507 (identical) (2019)	https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/HB2418 https://olis.leg.state.or.us/liz/2019R1/Measures/Overview/SB507
South Carolina S 429 (2015-2016)	https://www.scstatehouse.gov/sess121_2015-2016/bills/429.htm
Texas HB 1983 (2017-2018)	https://capitol.texas.gov/BillLookup/History.aspx?LegSess=85R&Bill=HB1983
Utah HB 209 (2018)	https://le.utah.gov/~2018/bills/static/HB0209.html
Vermont H 197 SB 56 (2017)	https://legislature.vermont.gov/bill/status/2018/H.197 https://legislature.vermont.gov/bill/status/2018/S.56
Washington SB 6214 (2017-18)	https://app.leg.wa.gov/billsummary?BillNumber=6214&Year=2017&initiative=