



# House of Representatives

General Assembly

**File No. 164**

January Session, 2005

House Bill No. 5110

*House of Representatives, April 5, 2005*

The Committee on Labor and Public Employees reported through REP. RYAN, K. of the 139th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

**AN ACT CONCERNING CERTAIN WORKERS' COMPENSATION  
BENEFITS FOR POLICE, FIRE AND EMERGENCY MEDICAL  
PERSONNEL.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (16) of section 31-275 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (16) (A) "Personal injury" or "injury" includes, in addition to  
5 accidental injury [which] that may be definitely located as to the time  
6 when and the place where the accident occurred, an injury to an  
7 employee [which] that is causally connected with [his] the employee's  
8 employment and is the direct result of repetitive trauma or repetitive  
9 acts incident to such employment, and occupational disease.

10 (B) "Personal injury" or "injury" shall not be construed to include:

11 (i) An injury to an employee [which] that results from [his] the

12 employee's voluntary participation in any activity the major purpose  
13 of which is social or recreational, including, but not limited to, athletic  
14 events, parties and picnics, whether or not the employer pays some or  
15 all of the cost of such activity;

16 (ii) [A] Except as provided in section 2 of this act, a mental or  
17 emotional impairment, unless such impairment arises from a physical  
18 injury or occupational disease;

19 (iii) A mental or emotional impairment [which] that results from a  
20 personnel action, including, but not limited to, a transfer, promotion,  
21 demotion or termination; or

22 (iv) Notwithstanding the provisions of [clause (i) of this]  
23 subparagraph (B)(i) of this subdivision, "personal injury" or "injury"  
24 includes injuries to employees of local or regional boards of education  
25 resulting from participation in a school-sponsored activity but does not  
26 include any injury incurred while going to or from such activity. As  
27 used in this clause, "school-sponsored activity" means any activity  
28 sponsored, recognized or authorized by a board of education and  
29 includes activities conducted on or off school property and  
30 "participation" means acting as a chaperone, advisor, supervisor or  
31 instructor at the request of an administrator with supervisory  
32 authority over the employee.

33 Sec. 2. (NEW) (*Effective October 1, 2005*) (a) As used in this section,  
34 "police officer" means a member of the Division of State Police, within  
35 the Department of Public Safety, or an organized local police  
36 department, and "in the line of duty" means any action that a police  
37 officer, firefighter or member of an emergency medical service  
38 organization is obligated or authorized by law, rule, regulation or  
39 written condition of employment service to perform, or for which the  
40 police officer, firefighter or member of an emergency medical service  
41 organization is compensated by the public entity such individual  
42 serves.

43 (b) Notwithstanding the provisions of subparagraph (B)(ii) of

44 subdivision (16) of section 31-275 of the general statutes, as amended  
 45 by this act, "personal injury" or "injury" shall be construed to include,  
 46 in the case of a police officer, firefighter or member of an emergency  
 47 medical service organization, a mental or emotional impairment,  
 48 provided such mental or emotional impairment arises out of an  
 49 incident or incidents sustained by the police officer, firefighter or  
 50 member of an emergency medical service organization in the line of  
 51 duty.

52 (c) Notwithstanding any provision of chapter 568 of the general  
 53 statutes, workers' compensation benefits for any police officer,  
 54 firefighter or member of an emergency medical service organization  
 55 who suffers a mental or emotional impairment arising in the line of  
 56 duty of such police officer, firefighter or member of an emergency  
 57 medical service organization shall be limited to treatment by a  
 58 psychologist or by a psychiatrist who is on the approved list of  
 59 practicing physicians established by the chairman of the Workers'  
 60 Compensation Commission pursuant to section 31-280 of the general  
 61 statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	31-275(16)
Sec. 2	<i>October 1, 2005</i>	New section

**LAB**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Public Safety, Dept.; Dept. of Administrative Services - Workers' Comp. Claims	GF - Cost	See Below	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 06 \$	FY 07 \$
All Municipalities	STATE MANDATE - Cost	Potential Significant	Potential Significant

**Explanation**

The bill expands workers’ compensation coverage for police, firefighters, and emergency medical service personnel to include counseling for mental and emotional impairments that arise out of an incident that occurs in the line of duty. Under current law, mental and emotional impairments are compensable only if they result from a physical injury.

Under the bill, workers’ compensation benefits are limited to treatment by a psychologist or psychiatrist. There are no wage replacement benefits provided. This bill will result in additional costs to the state and municipalities. The extent of these costs depends on the number of workers’ compensation claims filed for counseling for mental or emotional impairments.

Considering the large number of police, firefighters, and emergency services personnel covered under the bill, many workers’ compensation claims could be filed. There are approximately 8,000 sworn police officers in the state; around 1,200 of which are state

troopers. There are about 30,000 municipal firefighters in the state (approximately 80% are volunteers and 20% are career firefighters).

The workers' compensation fee schedule indicates that the cost of an initial psychological interview and exam is \$185, and each follow-up visit is \$126. A police officer, firefighter, or emergency services member could require multiple sessions, potentially costing several thousand dollars. It is possible that a police officer, for example, could receive mental or emotional counseling through his state or municipal health insurance plan, or employee assistance program. However, this is unlikely as the police officer's health insurance plan may limit the number of counseling sessions and charge a co-pay.

While it is expected that there will be an increase in the number of cases brought before the Workers' Compensation Commission, this will not result in the need for additional appropriations.

This bill is a state mandate on municipalities, particularly to those municipalities that are self-insured.

**OLR Bill Analysis**

HB 5110

***AN ACT CONCERNING CERTAIN WORKERS' COMPENSATION BENEFITS FOR POLICE, FIRE AND EMERGENCY MEDICAL PERSONNEL*****SUMMARY:**

This bill gives workers' compensation coverage to police, firefighters, and members of emergency medical service organizations for mental or emotional impairment that arises out of an incident or incidents that occur in the line of duty. Under current law, such impairment can qualify only if it stems from a work-related physical ailment.

Under the bill, the workers' compensation benefits are limited to treatment by a psychologist or psychiatrist on an approved workers' compensation list, i.e., the bill does not provide wage replacement benefits for these impairments.

The bill defines "in line of duty" as any action the employees are obligated or authorized by law, rule, regulation, or written condition of employment to perform, or any action for which he is compensated. It defines "police officer" as a member of the Division of State Police or an organized local police department.

EFFECTIVE DATE: October 1, 2005

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Report

Yea 11    Nay 1