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CONNECTICUT BUSINESS AND INDUSTRY ASSOCIATION  
BEFORE THE  
LABOR COMMITTEE  
LEGISLATIVE OFFICE BUILDING  
FEBRUARY 19, 2013**

Good Afternoon Senator Osten, Representative Tercyak and members of the Labor Committee. My name is Laura Cummings and I am testifying today on behalf of the Connecticut Business and Industry Association. CBIA's 10,000 member companies represent the broad diversity of Connecticut's businesses, and the vast majority of our members are small companies with fewer than 50 employees.

I am testifying today in **opposition to S.B. 823 AN ACT CONCERNING SEVERE MENTAL OR EMOTIONAL IMPAIRMENT AND WORKERS' COMPENSATION COVERAGE** as it is currently drafted.

Under current Connecticut law, an injured employee must suffer a physical injury in order to collect workers' compensation benefits. Thus, an individual who suffers a psychological injury unrelated to a physical injury sustained at work is not eligible for workers' compensation benefits in Connecticut.

This legislation would allow both public and private employees to pursue workers' compensation claims where there is only a psychological injury without a corresponding physical injury. These are commonly referred to as "mental-mental" claims. Mental-mental claims were originally precluded when Connecticut's workers' compensation statutes were amended in the early 1990's due to wide-ranging abuse in Connecticut and other states.

Although the current legislation does demonstrate an attempt to limit the situations under which an individual can file a mental-mental claim, the language does not effectively define the intended recipient of benefits.

One initial question is whether the bill intends to cover employees for events that are part of their ordinary course of employment that are unrelated to unexpected, tragic circumstances. For instance, would emergency room employees who routinely see injured or deceased victims of crimes be eligible under this new law? Would a police officer who witnesses a fatal car accident, which was the result of a road rage incident, be eligible?

Several terms within the bill create areas where unintended claimants may file successful claims. For instance, what would be considered a "maiming"? How is a witness defined and how long after the initial incident would one need to come upon the scene in order to arrive in the "immediate aftermath"? Would an employee who merely hears an occurrence but does not see the event be eligible?

For the aforementioned reasons, **CBIA is opposed to SB 823** as currently drafted, and would willing to work with the Committee to address our concerns with the bill.