



General Assembly

**Substitute Bill No. 5533**

February Session, 2014



**AN ACT CONCERNING WORKERS' COMPENSATION COVERAGE  
FOR PUBLIC EMPLOYEES WITH POST-TRAUMATIC STRESS  
DISORDER.**

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 2014 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2014*):

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

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

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

16 (ii) A mental or emotional impairment, unless such impairment (I)

17 arises from a physical injury or occupational disease, (II) in the case of  
18 a police officer, arises from such police officer's use of deadly force or  
19 subjection to deadly force in the line of duty, regardless of whether  
20 such police officer is physically injured, provided such police officer is  
21 the subject of an attempt by another person to cause such police officer  
22 serious physical injury or death through the use of deadly force, and  
23 such police officer reasonably believes such police officer to be the  
24 subject of such an attempt, [or] (III) in the case of a firefighter, is  
25 diagnosed as post-traumatic stress disorder by a licensed and board  
26 certified mental health professional, determined by such professional  
27 to be originating from the firefighter witnessing the death of another  
28 firefighter while engaged in the line of duty and not subject to any  
29 other exclusion in this section, or (IV) in the case of a state or municipal  
30 employee, is diagnosed as post-traumatic stress disorder by a qualified  
31 psychiatrist or psychologist and determined by such psychiatrist or  
32 psychologist to be originating from the state or municipal employee  
33 visually witnessing a traumatic event in person or visually witnessing  
34 the immediate aftermath of a traumatic event in person, provided the  
35 visual witnessing of a traumatic event or the visual witnessing of the  
36 immediate aftermath of a traumatic event was causally connected with  
37 the state or municipal employee's employment. As used in this clause,  
38 "police officer" means a member of the Division of State Police within  
39 the Department of Emergency Services and Public Protection, an  
40 organized local police department or a municipal constabulary,  
41 "firefighter" means a uniformed member of a municipal paid or  
42 volunteer fire department, [and] "in the line of duty" means any action  
43 that a police officer or firefighter is obligated or authorized by law,  
44 rule, regulation or written condition of employment service to  
45 perform, or for which the police officer or firefighter is compensated  
46 by the public entity such officer serves, "qualified psychiatrist or  
47 psychologist" means a psychiatrist licensed pursuant to chapter 370  
48 and certified by a recognized American medical specialty board in  
49 psychiatry or a psychologist licensed pursuant to chapter 383 and  
50 certified by a recognized American medical specialty board in  
51 psychology, "traumatic event" means an event occurring on or after

52 December 14, 2012, that is extraordinary due to the number or severity  
53 of casualties, that involves the death or serious bodily injury of one or  
54 more human beings caused by an intentional act of another human  
55 being, not by some natural cause or motor vehicle collision, and that  
56 does not happen in the usual course of the employee's employment  
57 and "immediate aftermath" means the scene at which a traumatic event  
58 occurred for a period of time not to exceed six hours after such scene is  
59 secured by law enforcement officers;

60 (iii) A mental or emotional impairment that results from a personnel  
61 action, including, but not limited to, a transfer, promotion, demotion  
62 or termination; or

63 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this  
64 subdivision, "personal injury" or "injury" includes injuries to  
65 employees of local or regional boards of education resulting from  
66 participation in a school-sponsored activity but does not include any  
67 injury incurred while going to or from such activity. As used in this  
68 clause, "school-sponsored activity" means any activity sponsored,  
69 recognized or authorized by a board of education and includes  
70 activities conducted on or off school property and "participation"  
71 means acting as a chaperone, advisor, supervisor or instructor at the  
72 request of an administrator with supervisory authority over the  
73 employee.

74 Sec. 2. Section 31-294h of the general statutes is repealed and the  
75 following is substituted in lieu thereof (*Effective October 1, 2014*):

76 Notwithstanding any provision of this chapter, workers'  
77 compensation benefits for any (1) police officer, as defined in  
78 subparagraph (B)(ii) of subdivision (16) of section 31-275, as amended  
79 by this act, who suffers a mental or emotional impairment arising from  
80 such police officer's use of deadly force or subjection to deadly force in  
81 the line of duty, [or] (2) firefighter, as defined in subparagraph (B)(ii)  
82 of subdivision (16) of section 31-275, as amended by this act, who  
83 suffers a mental or emotional impairment diagnosed as post-traumatic

84 stress disorder originating from the firefighter witnessing the death of  
85 another firefighter while engaged in the line of duty, or (3) state or  
86 municipal employee who suffers a mental or emotional impairment  
87 diagnosed as post-traumatic stress disorder originating from the state  
88 or municipal employee visually witnessing a traumatic event in person  
89 or visually witnessing the immediate aftermath of such traumatic  
90 event in person pursuant to subparagraph (B)(ii) of subdivision (16) of  
91 section 31-275, as amended by this act, shall be limited to treatment by  
92 a psychologist or a psychiatrist who is on the approved list of  
93 practicing physicians established by the chairman of the Workers'  
94 Compensation Commission pursuant to section 31-280.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	31-275(16)
Sec. 2	October 1, 2014	31-294h

**Statement of Legislative Commissioners:**

In section 2, subdivision (3), "suffers a mental or emotional impairment" was inserted for accuracy and internal consistency.

**PS**            *Joint Favorable Subst.*