To: Subst. Senate Bill No. 164
File No. 362
Cal. No. 202

(As Amended)

"AN ACT INCLUDING CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS WITHIN THE DEFINITION OF "PERSONAL INJURY" UNDER THE WORKERS' COMPENSATION STATUTES."

1 Strike subparagraph (B)(ii) of section 1 in its entirety and substitute the following in lieu thereof:

"(ii) A mental or emotional impairment, unless such impairment (I) arises from a physical injury or occupational disease, (II) in the case of a police officer of the Division of State Police within the Department of Emergency Services and Public Protection, an organized local police department or a municipal constabulary, arises from such police officer's use of deadly force or subjection to deadly force in the line of
duty, regardless of whether such police officer is physically injured, provided such police officer is the subject of an attempt by another person to cause such police officer serious physical injury or death through the use of deadly force, and such police officer reasonably believes such police officer to be the subject of such an attempt, or (III) in the case of a police officer, parole officer, emergency medical responder or firefighter, is [diagnosed as] a diagnosis of post-traumatic stress disorder [by a licensed and board certified mental health professional, determined by such professional to be originating from the firefighter witnessing the death of another firefighter while engaged in the line of duty and not subject to any other exclusion in this section] as defined in section 2 of this act that meets all the requirements of section 2 of this act. As used in this clause, ["police officer" means a member of the Division of State Police within the Department of Emergency Services and Public Protection, an organized local police department or a municipal constabulary, "firefighter" means a uniformed member of a municipal paid or volunteer fire department, and] "in the line of duty" means any action that a police officer [or firefighter] is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the police officer, emergency medical responder or firefighter is compensated by the public entity such officer serves;"

Strike section 2 in its entirety and substitute the following in lieu thereof:

"Sec. 2. (NEW) (Effective July 1, 2019) (a) As used in this section:

(1) "Emergency medical responder" has the same meaning as provided in section 20-206jj of the general statutes and includes "emergency medical technician", "advanced emergency medical technician", and "paramedic" as those terms are defined in section 20-206jj of the general statutes;

(2) "Firefighter" has the same meaning as provided in section 7-313g of the general statutes;
(3) "In the line of duty" means any action that a police officer, parole officer, emergency medical responder or firefighter is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the officer or firefighter is compensated by the public entity such officer or firefighter serves, except that, in the case of a volunteer firefighter, such action or service constitutes fire duties, as defined in subsection (b) of section 7-314b of the general statutes;

(4) "Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to chapter 383 of the general statutes, who has experience diagnosing and treating post-traumatic stress disorder;

(5) "Parole officer" means an employee of the Department of Correction who supervises inmates in the community after their release from prison on parole or under another prison release program;

(6) "Police officer" has the same meaning as provided in section 7-294a of the general statutes, except that "police officer" does not include an officer of a law enforcement unit of the Mashantucket Pequot Tribe or the Mohegan Tribe of Indians of Connecticut;

(7) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders"; and

(8) "Qualifying event" means an event occurring in the line of duty on or after July 1, 2019, in which a police officer, parole officer, emergency medical responder or firefighter:

(A) Views a deceased minor;

(B) Witnesses the death of a person or an incident involving the death of a person;
(C) Witnesses an injury to a person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;

(D) Has physical contact with and treats an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;

(E) Carries an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause; or

(F) Witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim.

(b) A diagnosis of post-traumatic stress disorder is compensable as a personal injury as described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275 of the general statutes, as amended by this act, if a mental health professional examines a police officer, parole officer, emergency medical responder or firefighter and diagnoses the officer, emergency medical responder or firefighter with post-traumatic stress disorder as a direct result of a qualifying event, provided (1) the post-traumatic stress disorder resulted from the officer, emergency medical responder or firefighter acting in the line of duty and, in the case of a firefighter, such firefighter complied with Federal Occupational Safety and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156, (2) a qualifying event was a substantial factor in causing the disorder, (3) such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder, and (4) the post-traumatic stress disorder did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action of the officer, emergency medical responder or firefighter. Any such mental health professional shall comply with any workers' compensation guidelines for approved medical providers, including, but not limited to,
guidelines on release of past or contemporaneous medical records.

(c) Whenever liability to pay compensation is contested by the employer, the employer shall file with the commissioner, on or before the twenty-eighth day after the employer has received a written notice of claim, a notice in accordance with a form prescribed by the chairperson of the Workers' Compensation Commission stating that the right to compensation is contested, the name of the claimant, the name of the employer, the date of the alleged injury and the specific grounds on which the right to compensation is contested. The employer shall send a copy of the notice to the employee in accordance with section 31-321 of the general statutes. If the employer or the employer's legal representative fails to file the notice contesting liability on or before the twenty-eighth day after receiving the written notice of claim, the employer shall commence payment of compensation for such injury on or before the twenty-eighth day after receiving the written notice of claim, but the employer may contest the employee's right to receive compensation on any grounds or the extent of the employee's disability within one hundred eighty days from the receipt of the written notice of claim and any benefits paid during the one hundred eighty days shall be considered payments without prejudice, provided the employer shall not be required to commence payment of compensation when the written notice of claim has not been properly served in accordance with section 31-321 of the general statutes or when the written notice of claim fails to include a warning that the employer (1) if the employer has commenced payment for the alleged injury on or before the twenty-eighth day after receiving a written notice of claim, shall be precluded from contesting liability unless a notice contesting liability is filed within one hundred eighty days from the receipt of the written notice of claim, and (2) shall be conclusively presumed to have accepted the compensability of the alleged injury unless the employer either files a notice contesting liability on or before the twenty-eighth day after receiving a written notice of claim or commences payment for the alleged injury on or before such twenty-eighth day. An employer shall be entitled, if the
employer prevails, to reimbursement from the claimant of any compensation paid by the employer on and after the date the commissioner receives written notice from the employer or the employer's legal representative, in accordance with the form prescribed by the chairperson of the Workers' Compensation Commission, stating that the right to compensation is contested. Notwithstanding the provisions of this subsection, an employer who fails to contest liability for an alleged injury on or before the twenty-eighth day after receiving a written notice of claim and who fails to commence payment for the alleged injury on or before such twenty-eighth day, shall be conclusively presumed to have accepted the compensability of the alleged injury. If an employer has opted to post an address of where notice of a claim for compensation by an employee shall be sent, as described in subsection (a) of section 31-294c of the general statutes, the twenty-eight-day period set forth in this subsection shall begin on the date when such employer receives written notice of a claim for compensation at such posted address.

(d) Notwithstanding any provision of chapter 568 of the general statutes, workers' compensation benefits for any police officer, parole officer, emergency medical responder or firefighter for a personal injury described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275 of the general statutes, as amended by this act, shall (1) include any combination of medical treatment prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits under section 31-307 of the general statutes and temporary partial incapacity benefits under subsection (a) of section 31-308 of the general statutes, and (2) be provided for a maximum of fifty-two weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits under section 31-307 of the general statutes or temporary partial incapacity benefits under subsection (a) of section 31-308 of the general statutes shall be awarded beyond four years from the date of the qualifying event that formed the basis for the personal injury. The weekly benefits received by an officer, emergency medical responder or a firefighter pursuant to section 31-
307 of the general statutes or subsection (a) of section 31-308 of the general statutes, when combined with other benefits including, but not limited to, contributory and noncontributory retirement benefits, Social Security benefits, benefits under a long-term or short-term disability plan, but not including payments for medical care, shall not exceed the average weekly wage paid to such officer, emergency medical responder or firefighter. An officer, emergency medical responder or firefighter receiving benefits pursuant to this subsection shall not be entitled to benefits pursuant to subsection (b) of section 31-308 of the general statutes or section 31-308a of the general statutes."

Strike section 7 in its entirety and substitute the following in lieu thereof:

"Sec. 7. (NEW) (Effective July 1, 2019) (a) Not later than January 1, 2020, the Police Officer Standards and Training Council, established under section 7-294b of the general statutes, the Department of Correction and the Commission on Fire Prevention and Control shall develop and promulgate a model critical incident and peer support policy to support the mental health care and wellness of police officers, as defined in section 7-294a of the general statutes, parole officers, as defined in section 2 of this act, emergency medical responders, as defined in section 19a-175 of the general statutes, and firefighters, as defined in section 2 of this act.

(b) Not later than July 1, 2020, each law enforcement unit as defined in section 7-294a of the general statutes, the Department of Correction as employer of parole officers, each municipal or state paid or volunteer fire department or emergency medical service system, as defined in section 19a-175 of the general statutes, and each municipal entity employing a fire marshal, deputy fire marshal, fire investigator, fire inspector or other class of investigator or inspector for whom the State Fire Marshal and the Codes and Standards Committee, acting jointly, have adopted minimum standards of qualification pursuant to section 29-298 of the general statutes, shall (1) adopt and maintain a written policy that meets or exceeds the standards of the model policy..."
developed pursuant to subsection (a) of this section; (2) make peer
support available to such officers and firefighters; and (3) refer an
officer, firefighter or emergency medical responder, as appropriate,
seeking mental health care services to a mental health professional, as
defined in section 2 of this act."

Strike section 10 in its entirety and substitute the following in lieu
thereof:

"Sec. 10. (NEW) (Effective July 1, 2019) In consultation with the
Department of Mental Health and Addiction Services, the Commission
on Fire Prevention and Control, the State Fire Marshal and the Codes
and Standards Committee and any other state or municipal entity
providing training to a firefighter, as defined in section 2 of this act,
shall provide resilience and self-care technique training for any
individual who begins initial training as a firefighter or as an
emergency medical responder on or after January 1, 2020."