AN ACT CONCERNING WORKERS’ COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY EMERGENCY MEDICAL SERVICES PERSONNEL, DEPARTMENT OF CORRECTION EMPLOYEES AND DISPATCHERS.

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

Section 1. Subdivision (16) of section 31-275 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

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

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

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

(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 or firefighter] an eligible individual, as defined in section 31-294k, as amended by this act, is a diagnosis of post-traumatic stress [disorder] injury as defined in section 31-294k, as amended by this act, that meets all the requirements of section 31-294k, as amended by this act. As used in [this clause] subclause (II) of this clause, "in the line of duty" means any action that a police officer is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the police officer or firefighter is compensated by the public entity such officer serves;

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

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

Sec. 2. Section 31-294k of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):
Proposed Substitute Bill No. 231

(a) As used in this section:

(1) "Eligible individual" means a police officer, firefighter, emergency medical services personnel, Department of Correction employee or telecommunicator;

(2) "Emergency medical services personnel" has the same meaning as provided in section 20-206jj;

(3) "Telecommunicator" has the same meaning as provided in section 28-30;

(4) "Firefighter" has the same meaning as provided in section 7-313g;

(5) "In the line of duty" means any action that [a police officer, parole officer or firefighter] an eligible individual is obligated or authorized by law, rule, regulation or written condition of employment service to perform, or for which the [officer or firefighter] eligible individual is compensated by the public entity such [officer or firefighter] individual 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;

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

(7) "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;

(8) "Police officer" has the same meaning as provided in section 7-294a, 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;
[(6)] (9) "Post-traumatic stress [disorder] injury" means [a disorder] an injury 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]

[(7)] (10) "Qualifying event" means an event occurring in the line of duty on or after July 1, 2019, in which [a police officer, parole officer or firefighter] an eligible individual:

(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; [.] and

(11) "Witnesses" means, for an eligible individual who is a telecommunicator, hears by telephone or radio.

(b) A diagnosis of post-traumatic stress [disorder] injury is compensable as a personal injury as described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act, if a mental health professional examines [a police officer, parole officer
or firefighter [an eligible individual] and diagnoses the [officer or firefighter] individual with a post-traumatic stress [disorder] injury as a direct result of a qualifying event, provided (1) the post-traumatic stress [disorder] injury resulted from the [officer or firefighter] eligible individual 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] injury, [(3) such qualifying event, and not another event or source of stress, was the primary cause of the post-traumatic stress disorder,] and [(4) (3) the post-traumatic stress [disorder] injury did not result from any disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action of the [officer or firefighter] eligible individual. 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. 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 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, the twenty-eighth-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 this chapter, workers' compensation benefits for any [police officer, parole officer or firefighter] eligible individual for a personal injury described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, 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
and temporary partial incapacity benefits under subsection (a) of section
31-308, 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 or temporary partial incapacity benefits
under subsection (a) of section 31-308 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 or a
firefighter] eligible individual pursuant to section 31-307 or subsection
(a) of section 31-308, 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 or firefighter]
eligible individual. An [officer or firefighter] eligible individual
receiving benefits pursuant to this subsection shall not be entitled to
benefits pursuant to subsection (b) of section 31-308 or section 31-308a.

This act shall take effect as follows and shall amend the following
sections:

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