

**Proposed Substitute
Bill No. 231**

LCO No. 2704

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:

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2 to the general statutes is repealed and the following is substituted in lieu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

4 (16) (A) "Personal injury" or "injury" includes, in addition to
5 accidental injury that may be definitely located as to the time when and
6 the place where the accident occurred, an injury to an employee that is
7 causally connected with the employee's employment and is the direct
8 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 the
15 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 a
18 police officer of the Division of State Police within the Department of
19 Emergency Services and Public Protection, an organized local police

20 department or a municipal constabulary, arises from such police
21 officer's use of deadly force or subsection to deadly force in the line of
22 duty, regardless of whether such police officer is physically injured,
23 provided such police officer is the subject of an attempt by another
24 person to cause such police officer serious physical injury or death
25 through the use of deadly force, and such police officer reasonably
26 believes such police officer to be the subject of such an attempt, or (III)
27 in the case of [a police officer, parole officer or firefighter] an eligible
28 individual, as defined in section 31-294k, as amended by this act, is a
29 diagnosis of post-traumatic stress [disorder] injury as defined in section
30 31-294k, as amended by this act, that meets all the requirements of
31 section 31-294k, as amended by this act. As used in [this clause]
32 subclause (II) of this clause, "in the line of duty" means any action that a
33 police officer is obligated or authorized by law, rule, regulation or
34 written condition of employment service to perform, or for which the
35 police officer or firefighter is compensated by the public entity such
36 officer serves;

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

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

50 Sec. 2. Section 31-294k of the 2020 supplement to the general statutes
51 is repealed and the following is substituted in lieu thereof (*Effective July*
52 *1, 2020*):

53 (a) As used in this section:

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

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

59 (3) "Telecommunicator" has the same meaning as provided in section
60 28-30;

61 [(1)] (4) "Firefighter" has the same meaning as provided in section 7-
62 313g;

63 [(2)] (5) "In the line of duty" means any action that [a police officer,
64 parole officer or firefighter] an eligible individual is obligated or
65 authorized by law, rule, regulation or written condition of employment
66 service to perform, or for which the [officer or firefighter] eligible
67 individual is compensated by the public entity such [officer or
68 firefighter] individual serves, except that, in the case of a volunteer
69 firefighter, such action or service constitutes fire duties, as defined in
70 subsection (b) of section 7-314b;

71 [(3)] (6) "Mental health professional" means a board-certified
72 psychiatrist or a psychologist licensed pursuant to chapter 383, who has
73 experience diagnosing and treating post-traumatic stress [disorder]
74 injury;

75 [(4)] (7) "Parole officer" means an employee of the Department of
76 Correction who supervises inmates in the community after their release
77 from prison on parole or under another prison release program;

78 [(5)] (8) "Police officer" has the same meaning as provided in section
79 7-294a, except that "police officer" does not include an officer of a law
80 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan
81 Tribe of Indians of Connecticut;

82 [(6) (9) "Post-traumatic stress [disorder]" injury" means [a disorder]
83 an injury that meets the diagnostic criteria for post-traumatic stress
84 disorder as specified in the most recent edition of the American
85 Psychiatric Association's "Diagnostic and Statistical Manual of Mental
86 Disorders"; [and]

87 [(7) (10) "Qualifying event" means an event occurring in the line of
88 duty on or after July 1, 2019, in which [a police officer, parole officer or
89 firefighter] an eligible individual:

90 (A) Views a deceased minor;

91 (B) Witnesses the death of a person or an incident involving the death
92 of a person;

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

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

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

102 (F) Witnesses a traumatic physical injury that results in the loss of a
103 vital body part or a vital body function that results in permanent
104 disfigurement of the victim; [.] and

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

107 (b) A diagnosis of post-traumatic stress [disorder] injury is
108 compensable as a personal injury as described in subparagraph
109 (B)(ii)(III) of subdivision (16) of section 31-275, as amended by this act,
110 if a mental health professional examines [a police officer, parole officer

111 or firefighter] an eligible individual and diagnoses the [officer or
112 firefighter] individual with a post-traumatic stress [disorder] injury as a
113 direct result of a qualifying event, provided (1) the post-traumatic stress
114 [disorder] injury resulted from the [officer or firefighter] eligible
115 individual acting in the line of duty and, in the case of a firefighter, such
116 firefighter complied with Federal Occupational Safety and Health Act
117 standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156,
118 (2) a qualifying event was a substantial factor in causing the [disorder]
119 injury, [(3) such qualifying event, and not another event or source of
120 stress, was the primary cause of the post-traumatic stress disorder,] and
121 [(4)] (3) the post-traumatic stress [disorder] injury did not result from
122 any disciplinary action, work evaluation, job transfer, layoff, demotion,
123 promotion, termination, retirement or similar action of the [officer or
124 firefighter] eligible individual. Any such mental health professional
125 shall comply with any workers' compensation guidelines for approved
126 medical providers, including, but not limited to, guidelines on release
127 of past or contemporaneous medical records.

128 (c) Whenever liability to pay compensation is contested by the
129 employer, the employer shall file with the commissioner, on or before
130 the twenty-eighth day after the employer has received a written notice
131 of claim, a notice in accordance with a form prescribed by the
132 chairperson of the Workers' Compensation Commission stating that the
133 right to compensation is contested, the name of the claimant, the name
134 of the employer, the date of the alleged injury and the specific grounds
135 on which the right to compensation is contested. The employer shall
136 send a copy of the notice to the employee in accordance with section 31-
137 321. If the employer or the employer's legal representative fails to file
138 the notice contesting liability on or before the twenty-eighth day after
139 receiving the written notice of claim, the employer shall commence
140 payment of compensation for such injury on or before the twenty-eighth
141 day after receiving the written notice of claim, but the employer may
142 contest the employee's right to receive compensation on any grounds or
143 the extent of the employee's disability within one hundred eighty days
144 from the receipt of the written notice of claim and any benefits paid
145 during the one hundred eighty days shall be considered payments

146 without prejudice, provided the employer shall not be required to
147 commence payment of compensation when the written notice of claim
148 has not been properly served in accordance with section 31-321 or when
149 the written notice of claim fails to include a warning that the employer
150 (1) if the employer has commenced payment for the alleged injury on or
151 before the twenty-eighth day after receiving a written notice of claim,
152 shall be precluded from contesting liability unless a notice contesting
153 liability is filed within one hundred eighty days from the receipt of the
154 written notice of claim, and (2) shall be conclusively presumed to have
155 accepted the compensability of the alleged injury unless the employer
156 either files a notice contesting liability on or before the twenty-eighth
157 day after receiving a written notice of claim or commences payment for
158 the alleged injury on or before such twenty-eighth day. An employer
159 shall be entitled, if the employer prevails, to reimbursement from the
160 claimant of any compensation paid by the employer on and after the
161 date the commissioner receives written notice from the employer or the
162 employer's legal representative, in accordance with the form prescribed
163 by the chairperson of the Workers' Compensation Commission, stating
164 that the right to compensation is contested. Notwithstanding the
165 provisions of this subsection, an employer who fails to contest liability
166 for an alleged injury on or before the twenty-eighth day after receiving
167 a written notice of claim and who fails to commence payment for the
168 alleged injury on or before such twenty-eighth day, shall be conclusively
169 presumed to have accepted the compensability of the alleged injury. If
170 an employer has opted to post an address of where notice of a claim for
171 compensation by an employee shall be sent, as described in subsection
172 (a) of section 31-294c, the twenty-eight-day period set forth in this
173 subsection shall begin on the date when such employer receives written
174 notice of a claim for compensation at such posted address.

175 (d) Notwithstanding any provision of this chapter, workers'
176 compensation benefits for any [police officer, parole officer or
177 firefighter] eligible individual for a personal injury described in
178 subparagraph (B)(ii)(III) of subdivision (16) of section 31-275, as
179 amended by this act, shall (1) include any combination of medical
180 treatment prescribed by a board-certified psychiatrist or a licensed

181 psychologist, temporary total incapacity benefits under section 31-307
182 and temporary partial incapacity benefits under subsection (a) of section
183 31-308, and (2) be provided for a maximum of fifty-two weeks from the
184 date of diagnosis. No medical treatment, temporary total incapacity
185 benefits under section 31-307 or temporary partial incapacity benefits
186 under subsection (a) of section 31-308 shall be awarded beyond four
187 years from the date of the qualifying event that formed the basis for the
188 personal injury. The weekly benefits received by an [officer or a
189 firefighter] eligible individual pursuant to section 31-307 or subsection
190 (a) of section 31-308, when combined with other benefits including, but
191 not limited to, contributory and noncontributory retirement benefits,
192 Social Security benefits, benefits under a long-term or short-term
193 disability plan, but not including payments for medical care, shall not
194 exceed the average weekly wage paid to such [officer or firefighter]
195 eligible individual. An [officer or firefighter] eligible individual
196 receiving benefits pursuant to this subsection shall not be entitled to
197 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:

Section 1	<i>July 1, 2020</i>	31-275(16)
Sec. 2	<i>July 1, 2020</i>	31-294k