



General Assembly

February Session, 2022

***Raised Bill No. 321***

LCO No. 2484



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT EXPANDING WORKERS' COMPENSATION COVERAGE FOR  
POST-TRAUMATIC STRESS INJURIES FOR ALL EMPLOYEES.***

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

1 Section 1. Section 31-294k of the 2022 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2022*):

4 (a) As used in this section:

5 (1) "COVID-19" means the respiratory disease designated by the  
6 World Health Organization on February 11, 2020, as coronavirus 2019,  
7 and any related mutation thereof recognized by the World Health  
8 Organization as a communicable respiratory disease;

9 (2) "Eligible individual" means a police officer, firefighter, emergency  
10 medical services personnel, Department of Correction employee,  
11 telecommunicator or health care provider, and on or after January 1,  
12 2023, an employee, as defined in section 31-275;

13 (3) "Emergency medical services personnel" has the same meaning as

14 provided in section 20-206jj;

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

16 (5) "Health care provider" means (A) a person employed at a doctor's  
17 office, hospital, health care center, clinic, medical school, local health  
18 department or agency, nursing facility, retirement facility, nursing  
19 home, group home, home health care provider, any facility that  
20 performs laboratory or medical testing, pharmacy or any similar  
21 institution, or (B) a person employed to provide personal care  
22 assistance, as defined in section 17b-706, in or about a private dwelling,  
23 provided such person is regularly employed by the owner or occupier  
24 of the dwelling for more than twenty-six hours per week;

25 (6) "In the line of duty" means any action that an eligible individual  
26 is obligated or authorized by law, rule, regulation or written condition  
27 of employment service to perform, or for which the eligible individual  
28 is compensated by the public entity such individual serves, except that,  
29 in the case of a volunteer firefighter, such action or service constitutes  
30 fire duties, as defined in subsection (b) of section 7-314b;

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

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

37 (9) "Police officer" has the same meaning as provided in section 7-  
38 294a, except that "police officer" does not include an officer of a law  
39 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan  
40 Tribe of Indians of Connecticut;

41 (10) "Post-traumatic stress injury" means an injury that meets the  
42 diagnostic criteria for post-traumatic stress disorder as specified in the  
43 most recent edition of the American Psychiatric Association's

44 "Diagnostic and Statistical Manual of Mental Disorders";

45 (11) "Qualifying event" means:

46 (A) An event occurring in the line of duty on or after July 1, 2019, in  
47 which a police officer, parole officer, firefighter, emergency medical  
48 services personnel, Department of Correction employee or  
49 telecommunicator:

50 (i) Views a deceased minor;

51 (ii) Witnesses the death of a person or an incident involving the death  
52 of a person;

53 (iii) Witnesses an injury to a person who subsequently dies before or  
54 upon admission at a hospital as a result of the injury and not as a result  
55 of any other intervening cause;

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

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

62 (vi) Witnesses a traumatic physical injury that results in the loss of a  
63 vital body part or a vital body function that results in permanent  
64 disfigurement of the victim, or

65 (B) An event arising out of and in the course of employment on or  
66 after March 10, 2020, in which an eligible individual who is a health care  
67 provider is engaged in activities substantially dedicated to mitigating or  
68 responding to the public health and civil preparedness emergencies  
69 declared by the Governor on March 10, 2020, or any extension of such  
70 emergency declarations, and:

71 (i) Witnesses the death of a person due to COVID-19 or due to

72 symptoms that were later diagnosed as COVID-19;

73 (ii) Witnesses an injury to a person who subsequently dies as a result  
74 of COVID-19 or due to symptoms that were later diagnosed as COVID-  
75 19;

76 (iii) Has physical contact with and treats or provides care for a person  
77 who subsequently dies as a result of COVID-19 or due to symptoms that  
78 were later diagnosed as COVID-19; or

79 (iv) Witnesses a traumatic physical injury that results in the loss of a  
80 vital body function of a person due to COVID-19 or due to symptoms  
81 that were later diagnosed as COVID-19; or

82 (C) An event arising out of and in the course of employment on or  
83 after January 1, 2023, in which an eligible individual:

84 (i) Views a deceased minor;

85 (ii) Witnesses the death of a person or an incident involving the death  
86 of a person;

87 (iii) Witnesses an injury to a person who subsequently dies before or  
88 upon admission at a hospital as a result of the injury and not as a result  
89 of any other intervening cause;

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

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

96 (vi) Witnesses a traumatic physical injury that results in the loss of a  
97 vital body part or a vital body function that results in permanent  
98 disfigurement of the victim;

99 (12) "Telecommunicator" has the same meaning as provided in

100 section 28-30; and

101 (13) "Witnesses" means, for an eligible individual who is a  
102 telecommunicator, hears by telephone or radio while directly  
103 responding to an emergency call that constitutes a qualifying event  
104 under this section and providing a dispatch assignment.

105 (b) A diagnosis of post-traumatic stress injury is compensable as a  
106 personal injury as described in subparagraph (B)(ii)(III) of subdivision  
107 (16) of section 31-275 if a mental health professional examines the  
108 eligible individual and diagnoses the individual with a post-traumatic  
109 stress injury as a direct result of a qualifying event, provided (1) the  
110 post-traumatic stress injury resulted from (A) the eligible individual  
111 acting in the line of duty if such individual is a police officer, firefighter,  
112 emergency medical services personnel, Department of Correction  
113 employee or telecommunicator and, in the case of a firefighter, such  
114 firefighter complied with Federal Occupational Safety and Health Act  
115 standards adopted pursuant to 29 CFR 1910.134 and 29 CFR 1910.156,  
116 or (B) the eligible individual acting in the course of employment if such  
117 individual is a health care provider or other employee, (2) a qualifying  
118 event was a substantial factor in causing the injury, and (3) the post-  
119 traumatic stress injury did not result from any disciplinary action, work  
120 evaluation, job transfer, layoff, demotion, promotion, termination,  
121 retirement or similar action of the eligible individual. Any such mental  
122 health professional shall comply with any workers' compensation  
123 guidelines for approved medical providers, including, but not limited  
124 to, guidelines on release of past or contemporaneous medical records.

125 (c) Whenever liability to pay compensation is contested by the  
126 employer, the employer shall file with the commissioner, on or before  
127 the twenty-eighth day after the employer has received a written notice  
128 of claim, a notice in accordance with a form prescribed by the  
129 chairperson of the Workers' Compensation Commission stating that the  
130 right to compensation is contested, the name of the claimant, the name  
131 of the employer, the date of the alleged injury and the specific grounds  
132 on which the right to compensation is contested. The employer shall

133 send a copy of the notice to the employee in accordance with section 31-  
134 321. If the employer or the employer's legal representative fails to file  
135 the notice contesting liability on or before the twenty-eighth day after  
136 receiving the written notice of claim, the employer shall commence  
137 payment of compensation for such injury on or before the twenty-eighth  
138 day after receiving the written notice of claim, but the employer may  
139 contest the employee's right to receive compensation on any grounds or  
140 the extent of the employee's disability within one hundred eighty days  
141 from the receipt of the written notice of claim and any benefits paid  
142 during the one hundred eighty days shall be considered payments  
143 without prejudice, provided the employer shall not be required to  
144 commence payment of compensation when the written notice of claim  
145 has not been properly served in accordance with section 31-321 or when  
146 the written notice of claim fails to include a warning that the employer  
147 (1) if the employer has commenced payment for the alleged injury on or  
148 before the twenty-eighth day after receiving a written notice of claim,  
149 shall be precluded from contesting liability unless a notice contesting  
150 liability is filed within one hundred eighty days from the receipt of the  
151 written notice of claim, and (2) shall be conclusively presumed to have  
152 accepted the compensability of the alleged injury unless the employer  
153 either files a notice contesting liability on or before the twenty-eighth  
154 day after receiving a written notice of claim or commences payment for  
155 the alleged injury on or before such twenty-eighth day. An employer  
156 shall be entitled, if the employer prevails, to reimbursement from the  
157 claimant of any compensation paid by the employer on and after the  
158 date the commissioner receives written notice from the employer or the  
159 employer's legal representative, in accordance with the form prescribed  
160 by the chairperson of the Workers' Compensation Commission, stating  
161 that the right to compensation is contested. Notwithstanding the  
162 provisions of this subsection, an employer who fails to contest liability  
163 for an alleged injury on or before the twenty-eighth day after receiving  
164 a written notice of claim and who fails to commence payment for the  
165 alleged injury on or before such twenty-eighth day, shall be conclusively  
166 presumed to have accepted the compensability of the alleged injury. If  
167 an employer has opted to post an address of where notice of a claim for

168 compensation by an employee shall be sent, as described in subsection  
169 (a) of section 31-294c, the twenty-eight-day period set forth in this  
170 subsection shall begin on the date when such employer receives written  
171 notice of a claim for compensation at such posted address.

172 (d) Notwithstanding any provision of this chapter, workers'  
173 compensation benefits for any eligible individual for a personal injury  
174 described in subparagraph (B)(ii)(III) of subdivision (16) of section 31-  
175 275 shall (1) include any combination of medical treatment prescribed  
176 by a board-certified psychiatrist or a licensed psychologist, temporary  
177 total incapacity benefits under section 31-307 and temporary partial  
178 incapacity benefits under subsection (a) of section 31-308, and (2) be  
179 provided for a maximum of fifty-two weeks from the date of diagnosis.  
180 No medical treatment, temporary total incapacity benefits under section  
181 31-307 or temporary partial incapacity benefits under subsection (a) of  
182 section 31-308 shall be awarded beyond four years from the date of the  
183 qualifying event that formed the basis for the personal injury. The  
184 weekly benefits received by an eligible individual pursuant to section  
185 31-307 or subsection (a) of section 31-308, when combined with other  
186 benefits including, but not limited to, contributory and noncontributory  
187 retirement benefits, Social Security benefits, benefits under a long-term  
188 or short-term disability plan, but not including payments for medical  
189 care, shall not exceed the average weekly wage paid to such eligible  
190 individual. An eligible individual receiving benefits pursuant to this  
191 subsection shall not be entitled to benefits pursuant to subsection (b) of  
192 section 31-308 or section 31-308a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	31-294k

**Statement of Purpose:**

To extend workers' compensation coverage for post-traumatic stress injuries to all employees.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*