



General Assembly

Substitute Bill No. 321

February Session, 2022



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2 statutes is repealed and the following is substituted in lieu thereof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 January 1, 2023*):

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 at a hospital as a result of
92 the injury and 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, on or after
118 January 1, 2023, (2) a qualifying event was a substantial factor in causing
119 the injury, and (3) the post-traumatic stress injury did not result from
120 any disciplinary action, work evaluation, job transfer, layoff, demotion,
121 promotion, termination, retirement or similar action of the eligible
122 individual. Any such mental health professional shall comply with any
123 workers' compensation guidelines for approved medical providers,
124 including, but not limited to, guidelines on release of past or
125 contemporaneous medical records.

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

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

