



# Senate

General Assembly

**File No. 97**

January Session, 2023

Substitute Senate Bill No. 913

*Senate, March 16, 2023*

The Committee on Labor and Public Employees reported through SEN. KUSHNER of the 24th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***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. Subsections (a) and (b) of section 31-294k of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective January 1, 2024*):

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 and after January 1,  
12 2024, an employee;

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

15 (4) "Employee" has the same meaning as provided in section 31-275;

16 [(4)] (5) "Firefighter" has the same meaning as provided in section 7-  
17 313g;

18 [(5)] (6) "Health care provider" means (A) a person employed at a  
19 doctor's office, hospital, health care center, clinic, medical school, local  
20 health department or agency, nursing facility, retirement facility,  
21 nursing home, group home, home health care provider, any facility that  
22 performs laboratory or medical testing, pharmacy or any similar  
23 institution, or (B) a person employed to provide personal care  
24 assistance, as defined in section 17b-706, in or about a private dwelling,  
25 provided such person is regularly employed by the owner or occupier  
26 of the dwelling for more than twenty-six hours per week;

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

33 [(7)] (8) "Mental health professional" means a board-certified  
34 psychiatrist or a psychologist licensed pursuant to chapter 383, who has  
35 experience diagnosing and treating post-traumatic stress injury;

36 [(8)] (9) "Parole officer" means an employee of the Department of  
37 Correction who supervises inmates in the community after their release  
38 from prison on parole or under another prison release program;

39 [(9)] (10) "Police officer" has the same meaning as provided in section  
40 7-294a, except that "police officer" does not include an officer of a law  
41 enforcement unit of the Mashantucket Pequot Tribe or the Mohegan  
42 Tribe of Indians of Connecticut;

43 [(10)] ~~(11)~~ "Post-traumatic stress injury" means an injury that meets  
44 the diagnostic criteria for post-traumatic stress disorder as specified in  
45 the most recent edition of the American Psychiatric Association's  
46 "Diagnostic and Statistical Manual of Mental Disorders";

47 [(11)] ~~(12)~~ "Qualifying event" means:

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

52 (i) Views a deceased minor;

53 (ii) Witnesses the death of a person or an incident involving the death  
54 of a person;

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

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

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

64 (vi) Witnesses a traumatic physical injury that results in the loss of a  
65 vital body part or a vital body function that results in permanent  
66 disfigurement of the victim; [, or]

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

72 emergency declarations; [,] and:

73 (i) Witnesses the death of a person due to COVID-19 or due to  
74 symptoms that were later diagnosed as COVID-19;

75 (ii) Witnesses an injury to a person who subsequently dies as a result  
76 of COVID-19 or due to symptoms that were later diagnosed as COVID-  
77 19;

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

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

84 (C) An event arising out of and in the course of employment on and  
85 after January 1, 2024, in which an employee:

86 (i) Views a deceased minor;

87 (ii) Witnesses the death of a person or an incident involving the death  
88 of a person;

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

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

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

98 (vi) Witnesses a traumatic physical injury that results in the loss of a  
99 vital body part or a vital body function that results in permanent

100 disfigurement of the victim;

101 [(12)] (13) "Telecommunicator" has the same meaning as provided in  
102 section 28-30; and

103 [(13)] (14) "Witnesses" means, for an eligible individual who is a  
104 telecommunicator, hears by telephone or radio while directly  
105 responding to an emergency call that constitutes a qualifying event  
106 under this section and providing a dispatch assignment.

107 (b) A diagnosis of post-traumatic stress injury is compensable as a  
108 personal injury as described in subparagraph (B)(ii)(III) of subdivision  
109 (16) of section 31-275 if a mental health professional examines the  
110 eligible individual and diagnoses [the] such individual with a post-  
111 traumatic stress injury as a direct result of a qualifying event, provided  
112 (1) the post-traumatic stress injury resulted from (A) the eligible  
113 individual acting in the line of duty if such individual is a police officer,  
114 firefighter, emergency medical services personnel, Department of  
115 Correction employee or telecommunicator and, in the case of a  
116 firefighter, such firefighter complied with Federal Occupational Safety  
117 and Health Act standards adopted pursuant to 29 CFR 1910.134 and 29  
118 CFR 1910.156, or (B) the eligible individual acting the course of  
119 employment if such individual is a health care provider or other  
120 employee, on and after January 1, 2024, (2) a qualifying event was a  
121 substantial factor in causing the injury, and (3) the post-traumatic stress  
122 injury did not result from any disciplinary action, work evaluation, job  
123 transfer, layoff, demotion, promotion, termination, retirement or similar  
124 action of the 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.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2024	31-294k(a) and (b)

**Statement of Legislative Commissioners:**

In Subsecs. (a)(2), (a)(12)(C) and (b)(1)(B), "on or after" was changed to "on and after", for clarity.

**LAB**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Department of Administrative Services - Workers' Comp. Claims	App Fund - Potential Cost	See Below	See Below

Note: App Fund=All Appropriated Funds

**Municipal Impact:**

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	STATE MANDATE <sup>1</sup> - Potential Cost	See Below	See Below

**Explanation**

The bill will result in a potential cost to the Department of Administrative Services – Worker’s Compensation Claims and various self-insured municipalities beginning in FY 24 to the extent qualified personnel apply for workers’ compensation benefits due to the expanded population eligible for such benefits due to post-traumatic stress injuries.

**The Out Years**

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<sup>1</sup> State mandate is defined in Sec. 2-32b(2) of the Connecticut General Statutes, "state mandate" means any state initiated constitutional, statutory or executive action that requires a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of claims made.



**OLR Bill Analysis****SB 913*****AN ACT EXPANDING WORKERS' COMPENSATION COVERAGE FOR POST-TRAUMATIC STRESS INJURIES FOR ALL EMPLOYEES.*****SUMMARY**

Starting January 1, 2024, this bill expands eligibility for workers' compensation benefits for post-traumatic stress injuries (PTSI) to cover all employees covered by the workers' compensation law.

Current law generally limits eligibility for PTSI benefits to certain first responders (e.g., police officers, firefighters, emergency medical service personnel, and emergency 9-1-1 dispatchers) who are diagnosed with PTSI as a direct result of certain qualifying events (e.g., witnessing someone's death) that occur in the line of duty. The bill instead allows any employee covered by workers' compensation law to qualify for the benefits if the same qualifying events occur in the course of the employee's employment. The PTSI benefits provided to them are subject to the same procedures and limitations that currently apply to the PTSI benefits for first responders.

EFFECTIVE DATE: January 1, 2024

**QUALIFYING EVENTS**

Under current law, certain first responders are eligible for workers' compensation PTSI benefits if a mental health professional examines them and diagnoses PTSI as a direct result of a qualifying event in the line of duty. Beginning January 1, 2024, the bill extends these same eligibility requirements to all employees covered by the workers' compensation law. This makes them eligible for workers' compensation benefits if a mental health professional examines them and diagnoses

PTSI as a direct result of an event that occurs in their course of employment in which they:

1. view a deceased minor;
2. witness (a) someone’s death or an incident involving someone’s death, (b) an injury to someone who then dies before or upon admission to a hospital as a result of the injury and not any other intervening cause, or (c) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim’s permanent disfigurement; or
3. carry, or have physical contact with and treat, an injured person who then dies before or upon admission to a hospital as a result of the injury and not any other intervening cause.

**PTSI BENEFITS AND PROCEDURES**

The PTSI benefits provided to all employees under the bill are subject to the same limitations and procedures that current law applies to the benefits for first responders. Among other things, this (1) caps the benefits’ duration at 52 weeks; (2) prohibits the benefits from being awarded more than four years after the qualifying event; and (3) requires that employers contest a claim for PTSI benefits through a process that is generally similar to the one used for contesting other workers’ compensation claims, although with different deadlines.

**COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable

Yea 10 Nay 1 (02/28/2023)