



General Assembly

January Session, 2023

Substitute Bill No. 913



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2 statutes are repealed and the following is substituted in lieu thereof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)

LAB Joint Favorable Subst. -LCO

APP Joint Favorable

