

Eligibility Criteria for Workers’ Compensation Benefits for PTSD in First Responders

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Issue

This report describes other states’ eligibility criteria for providing workers’ compensation benefits to first responders for mental or emotional injuries, such as post-traumatic stress disorder (PTSD).

Summary

At least 34 states allow first responders to receive workers’ compensation benefits for mental or emotional injuries that do not result from a physical injury. These types of injuries are often referred to as “mental-mental” injuries because they are caused by a purely mental stimulus (such as witnessing, but not being physically injured by, a particularly horrific workplace incident) that leads to a mental or emotional impairment, such as PTSD.

As with all injuries or occupational diseases eligible for workers’ compensation benefits, compensable mental-mental injuries in these 34 states must generally arise out of and in the course of employment. These states also typically disqualify mental-mental injuries that result from certain personnel actions such as disciplinary actions, job transfers, demotions, or layoffs. But beyond these general requirements, they take a variety of approaches in setting their eligibility criteria for mental-mental injuries, including whether the benefits are limited to first responders or setting different criteria specifically for first responder’s claims.

Twenty-five of the 34 states generally allow mental-mental benefits for any employees covered by the workers’ compensation law, not just first responders (which typically include police, firefighters,

and emergency medical personnel, but may include other professions depending on the state). However, these states often require that the event that caused the injury meet certain criteria (e.g., an unexpected, unusual, or extraordinary stress). And in some these states (e.g., Arkansas, Colorado, Connecticut, Ohio, and Oklahoma), the mental injury must have been suffered due to a very specific type of event or under very specific circumstances (e.g., being a violent crime victim or witnessing someone’s death).

Many of the 25 states that allow mental-mental benefits for any type of employees also specify separate conditions that apply only to first responders. Some of these set separate criteria for first responder claims (e.g., Missouri, Nevada, and Wisconsin) and others (e.g., California, Maine, Oregon, and Vermont) have a rebuttable presumption that a first responder’s claim is compensable. The presumption generally places the burden on the employer to prove that the injury was not caused by the employment, if it meets certain criteria (e.g., a PTSD diagnosis from a licensed psychiatrist or psychologist).

The nine other states (Florida, Idaho, Nebraska, New Hampshire, Texas, Virginia, Washington, West Virginia, and Wyoming) generally prohibit providing mental-mental workers’ compensation benefits for any employees, but they make an exception for first responders who meet certain criteria.

Eligibility Criteria for Compensable Mental-Mental Injuries

Table 1 below shows the eligibility criteria for compensable mental-mental Injuries in the 34 states that give first responders workers’ compensation benefits for PTSD.

Table 1: Eligibility Criteria for Compensable Mental-Mental Injuries

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Alaska Alaska Stat. § 23.30.010(b)	All covered employees	Work stress that was (1) extraordinary and unusual in comparison to pressures and tensions experienced by individuals in a comparable work environment and (2) the predominant cause of the mental injury. The amount of work stress must be measured by actual events.
Arizona Ariz. Rev. Stat. § 23-1043.01	All covered employees	An unexpected, unusual, or extraordinary stress related to the employment must be a substantial contributing cause of the mental injury, illness, or condition.
Arkansas Ark. Code Ann. § 11-9-113	All covered employees	A mental-mental injury or illness is only compensable if (1) the claimant is a victim of a crime of violence and (2) it is diagnosed by a licensed psychiatrist or psychologist and meets the criteria established in the most current issue of the Diagnostic and Statistical Manual of Mental Disorders.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
California	All covered employees Cal. Lab. Code § 3208.3	Employee must demonstrate by a preponderance of the evidence that actual events of employment were predominant as to all causes combined of the psychiatric injury. If the injury resulted from being a victim of a violent act or from direct exposure to a significant violent act, the employee must demonstrate by a preponderance of the evidence that actual events of employment were a substantial cause of the injury. Claimant must have been employed by his or her employer for at least six months.
	First responders Cal. Lab. Code § 3212.15	There is a rebuttable presumption that a PTSD diagnosis arose out of and in the course of the first responder's employment. Eligible claimants must have served for at least six months. The provision expires on January 1, 2025.
Colorado Colo. Rev. Stat. § 8-41-301	All covered employees	A mental impairment, proven by evidence supported by the testimony of a licensed psychiatrist or psychologist, that consists of a "psychologically traumatic event" i.e., an event that is generally outside of a worker's usual experience and would evoke significant symptoms of distress in a worker in similar circumstances. However, it can be an event that is within a worker's usual experience if the worker is diagnosed with PTSD by a licensed psychiatrist or psychologist after the worker experienced exposure to one or more of the following events: <ul style="list-style-type: none"> • an attempt by another person to cause the worker serious bodily injury or death through the use of deadly force, and the worker reasonably believes the worker is the subject of the attempt • the worker visually or audibly, or both, witnesses a death, or the immediate aftermath of the death, of one or more people as the result of a violent event • the worker repeatedly and either visually or audibly, or both, witnesses the serious bodily injury, or the immediate aftermath of the serious bodily injury, of one or more people as the result of the intentional act of another person or an accident.
Connecticut CGS § 31-294k , as amended by PA 23-35	Certain first responders (through 2023), expanded to all covered employees (beginning January 1, 2024)	Mental health professional diagnoses a post-traumatic stress injury (PTSI) as a direct result of an event that occurs in the course of an employee's employment in which they: <ul style="list-style-type: none"> • view a deceased minor; • witness someone's death or an incident involving someone's death; • witness 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; • witness a traumatic physical injury that results in the loss of a vital body part or a vital body function that permanently disfigures the victim; or

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Connecticut (continued)		<ul style="list-style-type: none"> • 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. <p>The event must be a substantial factor in causing the injury.</p>
Florida Fla. Stat. §112.1815 (5)(a)	First responders	<p>PTSD suffered by a first responder if it resulted from the first responder acting within the course of his or her employment and the first responder is examined and subsequently diagnosed by a licensed psychiatrist due to one of the following events:</p> <ul style="list-style-type: none"> • seeing a deceased minor; • directly witnessing the death of a minor; • directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department; • participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department; • manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department; • seeing a decedent whose death involved grievous bodily harm of a nature that shocks the conscience; • directly witnessing a death, including suicide, that involved grievous bodily harm of a nature that shocks the conscience; • directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing, manslaughter, self-defense, misadventure, and negligence; • directly witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; • participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or • manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience. <p>The disorder must be demonstrated by clear and convincing medical evidence.</p>
Hawaii Haw. Rev. Stat. § 386-3	All covered employees	Prohibits claims for mental stress resulting solely from disciplinary action taken in good faith by the employer, but no other criteria specified.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Idaho Idaho Code § 72-451 (4)	First responders	The first responder must be examined and subsequently diagnosed with PTSI by a psychologist, a licensed psychiatrist, or a counselor trained in post-traumatic stress injury. Clear and convincing evidence indicates that the PTSI was caused by an event or events arising out of and in the course of the first responder's employment.
Louisiana	All covered employees La. Rev. Stat. § 23:1021 (8)	Mental injury or illness resulting from work-related stress must be the result of a sudden, unexpected, and extraordinary stress related to the employment and demonstrated by clear and convincing evidence. It must be diagnosed by a licensed psychiatrist or psychologist.
	First responders La. Rev. Stat. § 2581.2	There is a rebuttable presumption that a first responder diagnosed with PTSI by a psychiatrist or psychologist has a disease or infirmity connected with his or her service.
Maine Me. Rev. Stat. 39-A § 201	All covered employees	Mental injury resulting from work-related stress must demonstrate by clear and convincing evidence that the work stress was (1) extraordinary and unusual in comparison to pressures and tensions experienced by the average employee and (2) the predominant cause of the mental injury. The amount of work stress must be measured by objective standards and actual events rather than any misperceptions by the employee.
	First responders (Eligibility provisions expire October 1, 2025)	There is a rebuttable presumption that the first responder's PTSD arose out of and in the course of employment if he or she is diagnosed by certain providers as having PTSD that resulted from work stress that was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the PTSD.
Massachusetts Mass. Gen. Laws 152 § 1 (7A)	All covered employees	Mental or emotional disabilities are eligible only if their predominant contributing cause is an event or series of events occurring within any employment.
Michigan Mich. Comp. Laws § 418.401 (1)(b)	All covered employees	Eligible mental disabilities must arise out of actual events of employment, not unfounded perceptions of them, and the employee's perception of the actual events must be reasonably grounded in fact or reality.
Minnesota Minn. Stat. § 176.011	All covered employees (Minn. Stat. § 176.011 (15)(a))	PTSD diagnosed by a licensed psychiatrist or psychologist arising out of and in the course of employment peculiar to the occupation in which the employee is engaged and due to causes that exceed the ordinary hazards of employment.
	First responders (Minn. Stat. § 176.011 (15)(e))	There is a rebuttable presumption that a PTSD diagnosis is due to the nature of the employment if the first responder has not been diagnosed with it previously.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Missouri	All covered employees Mo. Rev. Stat. § 287.120	A mental injury resulting from work-related stress must demonstrate that the stress is work related and was extraordinary and unusual. The amount of work stress must be measured by objective standards and actual events.
	First responders Mo. Rev. Stat. § 287.067 (9)	Requires clear and convincing evidence that PTSD resulted from the course and scope of employment, and the first responder is examined and diagnosed with PTSD by an authorized treating physician, due to the first responder: <ul style="list-style-type: none"> • seeing a deceased minor; • directly witnessing a minor’s death; • directly witnessing the injury to a minor who subsequently died prior to or upon arrival at a hospital emergency department; • participating in the physical treatment of, or manually transporting, an injured minor who subsequently died prior to or upon arrival at a hospital emergency department; • seeing a person who has suffered serious physical injury of a nature that shocks the conscience; • directly witnessing a death, including suicide, due to serious physical injury; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence; • directly witnessing an injury that results in death, if the person suffered serious physical injury that shocks the conscience; • participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered serious physical injury, if the injured person subsequently died prior to or upon arrival at a hospital emergency department; or • involvement in an event that caused or may have caused serious injury or harm to the first responder or had the potential to cause the death of the first responder, whether accidental or by an intentional act of another individual.
Nebraska Neb. Rev. Stat. § 48-101.01	First responders	A first responder’s mental injuries and mental illness unaccompanied by physical injury are eligible if (1) he or she establishes that the employment conditions causing the mental injury or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment and (2) a mental health professional establishes the medical causation between the mental injury or mental illness and the employment conditions by medical evidence. Until January 1, 2028, a first responder may establish prima facie evidence of the injury by presenting: <ol style="list-style-type: none"> (1) evidence that the first responder underwent a mental health examination by a mental health professional upon entry into the service, or after entry and before the onset of the mental injury or

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Nebraska (continued)	First responders (continued)	mental illness, and the exam did not reveal the mental injury or mental illness for which the first responder seeks compensation; (2) testimony or an affidavit from a mental health professional stating the first responder suffers from a mental injury or mental illness caused by one or more events or series of events which cumulatively produced the mental injury or mental illness which brought about the need for medical attention and the interruption of employment; (3) evidence that the events or series of events arose out of and in the course of the first responder’s employment; and (4) evidence that, prior to the employment conditions that caused the mental injury or mental illness, the first responder had participated in resilience training and updated the training at least annually.
Nevada Nev. Rev. Stat. 616C.180	All covered employees	An injury or disease caused by stress requires clear and convincing medical or psychiatric evidence that the (1) employee has a mental injury caused by extreme stress in time of danger; (2) primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) stress was not caused by his or her layoff, termination from employment, or any disciplinary action. The ailment or disorder cannot be caused by any gradual mental stimulus.
	First responders	An injury or disease caused by stress requires clear and convincing medical or psychiatric evidence that the: (1) employee has a mental injury caused by extreme stress due to the employee directly witnessing (a) the death, or its aftermath, of a person as a result of a violent event or (b) an injury, or its aftermath, that involves grievous bodily harm of a nature that shocks the conscience, and (2) primary cause of the mental injury was the employee witnessing the event during the course of his or her employment.
	State and local government employees	An injury or disease caused by stress requires clear and convincing medical or psychiatric evidence that the (1) employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident and (2) primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.
New Hampshire N.H. Rev. Stat. §§ 281-A:2 (XI) & 218-A: 17-c	First responders	There is a prima facie presumption that acute stress disorder and PTSD in a first responder was occupationally caused.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
New Mexico	All covered employees N.M. Stat. § 52-1-24	A mental illness arising from an accidental injury that consists of a psychologically traumatic event that is generally outside of a worker's usual experience and would evoke significant symptoms of distress in a worker in similar circumstances.
	Firefighters N.M. Stat. § 52-3-32.1	There is a rebuttable presumption that PTSD diagnosed by a physician or psychologist that results in physical impairment, primary, or secondary mental impairment, or death was proximately caused by employment as a firefighter.
New York	All covered employees N.Y. Workers' Comp Law § 2 (7)	Excludes injuries that are solely mental and based on work-related stress if they are a direct consequence of a lawful personnel decision involving a disciplinary action, work evaluation, job transfer, demotion, or termination taken in good faith by the employer, but no other criteria specified.
	First responders N.Y. Workers' Comp Law § 10	When a covered first responder files a claim for mental injury premised on extraordinary work-related stress incurred in a work-related emergency, the Workers' Compensation Review Board cannot disallow the claim upon a factual finding that the stress was not greater than that which usually occurs in the normal work environment.
Ohio Ohio Rev. Code § 4123.01 (C)	All covered employees	Limited to psychiatric conditions that arose from sexual conduct in which the claimant was forced by threat of physical harm to engage or participate.
Oklahoma 85A Okla. Stat. § 13	All covered employees	Limited to claimants who are victims of a violent crime; injury must be diagnosed by a licensed psychiatrist or psychologist and meet the criteria established in the most current issue of the Diagnostic and Statistical Manual of Mental Disorders (DSM).
Oregon	All covered employees Or. Rev. Stat. § 656.802 (1) & (3)	Mental disorders that require medical services or result in physical or mental disability or death if: <ol style="list-style-type: none">1. the employment conditions producing the mental disorder exist in a real and objective sense, and are not generally inherent in every working situation;2. the diagnosis of a mental or emotional disorder is generally recognized in the medical or psychological community; and3. there is clear and convincing evidence that the mental disorder arose out of and in the course of employment.
	First responders Or. Rev. Stat. § 656.802 (7)	There is a rebuttable presumption of a compensable occupational disease if a first responder establishes through a preponderance of persuasive medical evidence from a psychiatrist or psychologist that he or she has more likely than not satisfied the DSM-5 diagnostic criteria for PTSD or acute stress disorder. The presumption may be rebutted only by establishing through clear and convincing medical evidence that duties as a first responder were not of real importance or great consequence in causing the diagnosed condition.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Rhode Island R.I. Gen. Laws § 28-34-2	All covered employees	Disablement from a mental injury caused by emotional stress resulting from a situation of greater dimensions than the day-to-day emotional strain and tension that all employees encounter daily without serious mental injury.
South Carolina S.C. Code § 42-1-160	All covered employees	Claimant must establish, by a preponderance of the evidence: (1) that the employment conditions causing the stress, mental injury, or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment and (2) the medical causation between the stress, mental injury, or mental illness, and the stressful employment conditions by medical evidence.
Tennessee Tenn. Code § 50-6-102 (12) & (15)	All covered employees	A loss of mental faculties or a mental or behavioral disorder arising primarily out of an identifiable work related event resulting in a sudden or unusual stimulus.
Texas Tex. Lab. Code § 504.019	First responders	PTSD based on a diagnosis that the (1) disorder is caused by one or more events occurring in the course and scope of the first responder's employment and (2) preponderance of the evidence indicates that the event or events were a producing cause of the disorder.
Utah Utah Code § 34A-2-402	All covered employees	Injuries related to mental stress when (1) there is sufficient proof of extraordinary mental stress from a sudden stimulus arising predominantly and directly from employment; (2) the extraordinary and sudden nature of the alleged mental stress is judged according to an objective standard in comparison with contemporary national employment and nonemployment life; and (3) there is proof that the injury was medically caused by the mental stress that is the legal cause of the injury.
Vermont	All covered employees Vt. Stat. Tit. 21, § 601 (11)(J)	A mental condition resulting from a work-related event or work-related stress that was (1) extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations and (2) the predominant cause of the mental condition.
	First responders Vt. Stat. Tit. 21, § 601 (11)(I)	There is a presumption that PTSD diagnosed for a first responder by a mental health professional was incurred during service in the line of duty and is compensable, unless it is shown by a preponderance of the evidence that the PTSD was caused by nonservice-connected risk factors or nonservice-connected exposure.

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
<p>Virginia Va. Code § 65.2-107</p>	<p>First responders</p>	<p>PTSD, anxiety disorder, or depressive disorder if:</p> <ol style="list-style-type: none"> 1. a mental health professional diagnoses it as a result of the claimant's undergoing a qualifying event; 2. the disorder resulted from the claimant acting in the line of duty and, in the case of a firefighter, the firefighter complied with certain federal Occupational Safety and Health Administration (OSHA) standards; 3. the qualifying event was a substantial factor in causing the claimant's disorder; and 4. the qualifying event was the primary cause of the disorder. <p>A "qualifying event" is an incident or exposure occurring in the line of duty (1) resulting in serious bodily injury or death to any person or persons; (2) involving a minor who has been injured, killed, abused, or exploited; (3) involving an immediate threat to life of the claimant or another individual; (4) involving mass casualties; or (5) responding to crime scenes for investigation.</p>
<p>Washington Wash. Rev. Code §§ 51.08.142 & 51.32.185</p>	<p>First responders</p>	<p>PTSD in first responders hired after a certain date, if they have submitted to a psychological examination administered by a licensed psychiatrist or psychologist that ruled out the presence of PTSD from preemployment exposures (if the employer provides the examination).</p> <p>For firefighters and law enforcement officers who have served at least 10 years, the law also creates prima facie presumption that PTSD is an occupational disease. The presumption may be rebutted by a preponderance of the evidence that may include use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.</p>
<p>West Virginia W. VA Code § 23-1-1f</p>	<p>First responders</p>	<p>Employers have an option to provide coverage for PTSD as an occupational disease in first responders. If they choose to do so, PTSD is compensable if a licensed psychiatrist diagnoses PTSD due to exposure to an event or events that occurred in the course of and resulting from the first responder's paid or volunteer covered employment. The provision expires on July 1, 2026.</p>
<p>Wisconsin</p>	<p>All covered employees Wis. Stat. § 102.01 (2)(c)</p>	<p>Includes mental harm to an employee caused by accident or disease but no other criteria specified in statute</p>
	<p>First responders Wis. Stat. § 102.17 (9)</p>	<p>PTSD diagnosis made by a licensed psychiatrist or psychologist with the liability conditions must be proven by the preponderance of the evidence. The diagnosis does not need to be based on unusual stress of greater dimensions than the day-to-day emotional strain and tension experienced by similarly situated employees.</p>

Table 1 (continued)

State	Eligible Claimants	Eligibility Criteria for Compensable Mental-Mental Injuries
Wyoming Wyo. Stat. § 27-14-102 (a)(xi)(J)	First responders	A mental injury established by clear and convincing evidence that includes a diagnosis by a licensed psychiatrist, licensed clinical psychologist, or psychiatric mental health nurse practitioner meeting criteria established in the most recent edition of the DSM published by the American Psychiatric Association.

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