

demotion, or similar action taken in good faith by the employer would not qualify as a work-related injury.

In addition, the bill would establish that, if a first responder is diagnosed with post-traumatic stress disorder (PTSD) by a qualified mental health professional, there would be a presumption that the PTSD is an injury covered by workers' compensation insurance.

The majority of first responders and front-line staff are local government employees; however, the fiscal impact of HB 40 on local governments is indeterminable due to a lack of historical data. In the past few years several states have passed bills to extend workers' comp benefits for psychological and stress-related work-related injuries. Colorado HB 17-1229 (effective July, 2018) extended workers' comp coverage to include "mental impairment" due to a psychologically traumatic event or to post-traumatic stress disorder (PTSD) diagnosed after exposure or repeated exposure to one or more of 3 specific types of traumatic events. A representative of Pinnacol Assurance, a political subdivision of the State of Colorado that provides workers' comp insurance for most of the state's public entities that are not self-insured, reported that they have seen no major impact from the changes. Pinnacol is lowering its rates for workers' comp insurance in 2019 for the fourth consecutive year, due to cost saving measures unrelated to Colorado HB 17-1229.

Texas House Bill 1983, effective September 1, 2017, provides workers' comp coverage for PTSD specifically to certain first responders. As of December 2018 Texas had experienced no increase in claims or average pay-out to claimants, nor had the premium rates for workers' comp insurance increased.

The State of Vermont amended its workers compensation law effective June 2017 to extend coverage for post-traumatic stress disorder to police officers, rescue or ambulance workers and firefighters who experience extraordinary stress relative to other persons in the same occupation, but only if diagnosed by a mental health professional within 3 years of the last active date of employment in the identified professions. The Vermont League of Cities and Towns (VLCT) reports that, for the 25 years prior to passage of the 2017 bill the VLCT averaged 3.44 workers compensation claims for mental injury per year. In December 2018 VLCT stated it had received 20 claims from emergency responders, indicating a dramatic increase in such claims.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, discusses HB 40 as introduced. There is no earlier introduced version of the bill to compare for Part III.

Data Source(s): Pinnacol Assurance; Kentucky Employers Mutual Insurance; Vermont League of Cities and Towns; Texas Department of Insurance, Division of Workers Compensation

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