



Substitute Senate Bill No. 913

Public Act No. 23-35

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:

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 Subsections (a) and (b) of section 31-294k of the general statutes are repealed and the following is substituted in lieu thereof (*Effective January 1, 2024*):

(a) As used in this section:

(1) "COVID-19" means the respiratory disease designated by the World Health Organization on February 11, 2020, as coronavirus 2019, and any related mutation thereof recognized by the World Health Organization as a communicable respiratory disease;

(2) "Eligible individual" means a police officer, firefighter, emergency medical services personnel, Department of Correction employee, telecommunicator or health care provider, and on and after January 1, 2024, an employee;

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

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

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

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

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

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

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

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

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

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

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

(i) Views a deceased minor;

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

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

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

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

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

(B) An event arising out of and in the course of employment on or after March 10, 2020, in which an eligible individual who is a health care provider is engaged in activities substantially dedicated to mitigating or

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responding to the public health and civil preparedness emergencies declared by the Governor on March 10, 2020, or any extension of such emergency declarations; [,] and:

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

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

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

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

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

(i) Views a deceased minor;

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

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

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

(v) Carries an injured person who subsequently dies before or upon

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admission at a hospital as a result of the injury and not as a result of any other intervening cause; or

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

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

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

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

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medical providers, including, but not limited to, guidelines on release of past or contemporaneous medical records.

Approved June 12, 2023