

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 320**

BY SENATORS JEFFRIES, LINDSAY, CAPUTO, BALDWIN,

AND WOELFEL

[Introduced February 17, 2021; referred  
to the Committee on Banking and Insurance; and then  
to the Committee on Finance]

1 A BILL to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating  
 2 to allowing workers' compensation benefits for first responders diagnosed with post-  
 3 traumatic stress disorder resulting from an event that occurred during their employment;  
 4 making findings; and defining terms.

*Be it enacted by the Legislature of West Virginia:*

#### **ARTICLE 4. DISABILITY AND DEATH BENEFITS.**

##### **§23-4-1f. Certain psychiatric injuries and diseases not compensable.**

1 ~~For (a) Except as provided by subsection (b) of this section,~~ for the purposes of this  
 2 chapter, no alleged injury or disease shall may be recognized as a compensable injury or disease  
 3 which was solely caused by nonphysical means and which did not result in any physical injury or  
 4 disease to the person claiming benefits, no alleged injury or disease shall be recognized as a  
 5 compensable injury or disease which was solely caused by nonphysical means and which did not  
 6 result in any physical injury or disease to the person claiming benefits. ~~It~~ Except as otherwise  
 7 provided in subsection (b) of this section, it is the purpose of this section to clarify that so-called  
 8 mental-mental claims are not compensable under this chapter.

9 (b)(1) The Legislature finds that post-traumatic stress disorder is a unique medical  
 10 condition, although it may manifest itself as a psychiatric condition that would be otherwise  
 11 precluded from workers' compensation coverage, for first responders, post-traumatic stress  
 12 disorder, similar to members of the military serving in combat, is an occupational hazard. The  
 13 Legislature further finds that because first responders are required to expose themselves to post-  
 14 traumatic stress disorder causing- events during the course of their employment, and because of  
 15 the severe nature and deliberative effect of post-traumatic stress disorder, it is the moral obligation  
 16 of the state to provide coverage to this class of individuals for their work-related injury.

17 (2) Post-traumatic stress disorder suffered by a first responder is a compensable injury  
 18 under this chapter upon a diagnosis by a licensed psychiatrist that the first responder suffers from  
 19 the disorder and upon a finding that the disorder occurred as the result of an event or events that

20 occurred in the course and within the scope of the first responder’s employment duties.

21 (3) For the purposes of this section:

22 “First responder” means a law-enforcement officer, firefighter, emergency medical  
23 technician, paramedic, or a person employed to dispatch emergency calls in an emergency  
24 dispatch center; and

25 “Post-traumatic stress disorder” means a disorder that meets the diagnostic criteria for  
26 post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic  
27 and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule of  
28 the Insurance Commissioner.

NOTE: The purpose of this bill is to allow workers’ compensation benefits for first responders diagnosed with post- traumatic stress disorder resulting from an event that occurred during their employment. The bill makes findings and defines terms.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.