WEST virginia legislature

2021 regular session

Introduced

Senate Bill 18

By Senators Romano, Caputo, Jeffries, Woelfel, Lindsay, Hamilton, Maroney, and Stollings

[Introduced February 10, 2021; referred
to the Committee on Banking and Insurance; and then to the Committee on Finance]

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

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.

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

(b) For the purposes of this section:

“First responder” means a law-enforcement officer, firefighter, emergency medical technician, or paramedic.

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

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

(d) Post-traumatic stress disorder suffered by a first responder is a compensable injury under this chapter upon a diagnosis by a licensed psychiatrist that the first responder suffers from the disorder and upon a finding that the disorder occurred as the result of an event or events that occurred in the course and within the scope of the first responder’s employment duties.

NOTE: The purpose of this bill is to provide workers’ compensation to first responders diagnosed with Post-Traumatic Stress Disorder by a psychiatrist from an event that occurred during their employment.

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