

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2797

BY DELEGATES STATLER AND CHIARELLI

[Passed April 12, 2025; in effect 90 days from
passage (July 11, 2025)]

1 AN ACT to amend and reenact §23-4-1f of the Code of West Virginia, 1931, as amended, relating
2 to who may diagnose post-traumatic stress disorder for a first responder; adding certified
3 nurse practitioners and certified physician assistants to list of professionals; providing
4 requirements for such; and removing sunset clause.

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; definitions; legislative findings; terms; report required.

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

6 (b) For the purposes of this section:

7 (1) "First responder" means a law enforcement officer, firefighter, emergency medical
8 technician, paramedic, and emergency dispatcher;

9 (2) "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for
10 post-traumatic stress disorder specified by the American Psychiatric Association in the Diagnostic
11 and Statistical Manual of Mental Disorders, fifth edition, or a later edition as adopted by rule of
12 the insurance commissioner; and

13 (3) "Licensed mental health provider" means a licensed psychiatrist, licensed
14 psychologist, licensed professional counselor, licensed marriage and family therapist, certified
15 mental health nurse practitioner, certified psychiatric physician assistant, or licensed social worker
16 who:

17 (A) Holds a master's degree or higher;

18 (B) Holds a terminal license within their profession; and

(C) Is qualified to treat post-traumatic stress disorder.

(4) "Employer" means any entity that controls, consistent with the provisions of West Virginia law relating to an employment relationship, the paid or volunteer employment of a first responder eligible for benefits under this section.

(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, post-traumatic stress disorder is an occupational hazard for first responders, similar to members of the military serving in combat. The Legislature further finds that because first responders are required to expose themselves to traumatic events during the course of their employment and thus are at a recognized higher risk of developing post-traumatic stress disorder, and because of the severe nature and debilitating effects of post-traumatic stress disorder, it is the moral obligation of the state to permit coverage to this class of individuals for their work-related disease.

(d)(1) Post-traumatic stress disorder suffered by a first responder may be recognized as a compensable occupational disease under §23-4-1(f) of this code when:

(A) The employer has elected to provide coverage for post-traumatic stress disorder as an occupational disease; and

(B) A diagnosis has been made by a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric physician assistant that the first responder suffered from post-traumatic stress disorder 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: *Provided*, That the provisions of this section shall apply only to a post-traumatic stress disorder diagnosis made on or after July 1, 2021, or the first day of the employer's next workers' compensation insurance policy or self-insurance program term for which post-traumatic stress disorder coverage has been purchased or elected, whichever is later.

44 (2) While the diagnosis must be made by a licensed psychiatrist, certified mental health
45 nurse practitioner, or certified psychiatric physician assistant, mental health treatment consistent
46 for a post-traumatic stress disorder diagnosis may be offered by a licensed mental health provider
47 other than the diagnosing psychiatrist, certified mental health nurse practitioner, or certified
48 psychiatric physician assistant.

49 (3) A diagnosis of post-traumatic stress disorder under this section may not include
50 consideration of any layoff, termination, disciplinary action, or any similar personnel-related action
51 taken in good faith by an employer.

52 (4) Benefits for a post-traumatic stress disorder diagnosis made under this section are
53 contingent upon the employer electing to provide coverage for post-traumatic stress disorder from
54 its workers' compensation insurance carrier or to provide for it through its self-insurance program,
55 whichever is applicable.

56 (5) The receipt of benefits is contingent on a claim being made within three years from
57 and after a licensed psychiatrist, certified mental health nurse practitioner, or certified psychiatric
58 physician assistant has made the claimant aware of a post-traumatic stress disorder diagnosis in
59 accordance with this section.

The Clerk of the House of Delegates and the Clerk of the Senate hereby
certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2025.

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Governor