

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1457

By: Treat, Rosino, Weaver, and
Hall of the Senate

7 and

8 Kannady and **Harris** of the
9 House

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12 COMMITTEE SUBSTITUTE

13 An Act relating to workers' compensation; amending
14 85A O.S. 2021, Section 13, which relates to mental
15 health-related injuries; exempting first responders
16 from physical injury requirement for certain claim;
17 providing for computation of benefits for certain
18 persons; providing for temporary pension benefits;
19 imposing limits on total period of disability
20 benefits; providing for award of permanent total
21 disability based upon maximum medical improvement;
22 providing for payment of benefits based on certain
23 injury; imposing time limit on benefits; imposing
24 limit on employer responsibility for certain medical
benefits; requiring employer to maintain health
insurance coverage under certain circumstance;
providing that payment of certain claims be made
through certain pool; defining terms; updating
statutory references; and providing an effective
date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 85A O.S. 2021, Section 13, is
2 amended to read as follows:

3 Section 13. A. 1. A mental injury or illness is not a
4 compensable injury unless caused by a physical injury to the
5 employee, and shall not be considered an injury arising out of and
6 in the course and scope of employment or compensable unless
7 demonstrated by a preponderance of the evidence; provided, however,
8 that this physical injury limitation shall not apply to any victim
9 of a crime of violence, a law enforcement officer, paid or volunteer
10 firefighter, or emergency medical technician employed on a full-time
11 basis by a municipality, county, or this state, or a voluntary
12 firefighter who suffers post-traumatic stress disorder, as defined
13 in subsection E of this section, while responding to an emergency.
14 For the purposes of this section, such employee shall be referred to
15 as a first responder.

16 2. No mental injury or illness under this section shall be
17 compensable unless it is also diagnosed by a licensed psychiatrist
18 or psychologist and unless the diagnosis of the condition meets the
19 criteria established in the most current issue of the Diagnostic and
20 Statistical Manual of Mental Disorders.

21 B. 1. Notwithstanding any other provision of ~~this act~~ the
22 Administrative Workers' Compensation Act, where a claim is for
23 mental injury or illness, the employee shall be limited to twenty-
24 six (26) weeks of disability benefits unless it is shown by clear

1 and convincing evidence that benefits should continue for a set
2 period of time, not to exceed a total of fifty-two (52) weeks. If
3 the treating physician is of the opinion that the first responder is
4 temporarily unable to perform his or her job or any alternative work
5 offered by the employer, he or she shall be entitled to receive
6 compensation which is the greater of the weekly benefit provided for
7 in a collective bargaining agreement or according to the policy of
8 the employer, or seventy percent (70%) of the injured employee's
9 average weekly wage not to exceed the state average weekly wage. If
10 the employee has a temporary pension benefit available at no
11 additional cost to the employee and the benefit is equal to or
12 greater than the temporary award in this system, the employer may
13 elect to exercise the temporary pension benefit. In no event shall
14 disability benefits extend beyond fifty-two (52) weeks.

15 2. Notwithstanding any other provision of this section, a first
16 responder who receives benefits provided herein for a mental injury
17 or illness not accompanied by a physical injury who, after reaching
18 maximum medical improvement, is unable to perform the essential
19 functions of his or her employment position and who is not eligible
20 to receive a disability retirement through his or her pension or
21 retirement system shall be eligible to be awarded permanent
22 disability benefits not to exceed Fifty Thousand Dollars
23 (\$50,000.00) as provided for in this act.

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1 3. a. In cases where death results directly from the mental
2 injury or illness within a period of one (1) year,
3 compensation shall be paid to the dependents as
4 provided in other death cases under ~~this act~~ the
5 Administrative Workers' Compensation Act.

6 b. Death directly or indirectly related to the mental
7 injury or illness occurring one (1) year or more from
8 the incident resulting in the mental injury or illness
9 shall not be a compensable injury.

10 C. 1. In the event that the Oklahoma Workers' Compensation
11 Commission finds that a first responder has suffered post-traumatic
12 stress disorder not accompanied by a physical injury, the employer
13 shall provide reasonable and necessary medical treatment for such
14 injury, subject to the Oklahoma Workers' Compensation Commission's
15 Fee Schedule, for a period not longer than one (1) year. The
16 employer shall not be responsible for medical treatment in the form
17 of prescription medicine in excess of Ten Thousand Dollars
18 (\$10,000.00).

19 2. During any period in which a first responder is temporarily
20 unable to perform his or her job, the employer shall pay to maintain
21 health insurance coverage for the first responder, if such health
22 insurance was in effect on the date of the injury.

1 D. For the purposes of this section, claim payments for
2 volunteer firefighters shall be paid pursuant to the Volunteer
3 Firefighter Group Insurance Pool.

4 E. For the purposes of this section:

5 1. "Post-traumatic stress disorder" means an injury or
6 condition in which a first responder has been exposed to a traumatic
7 event and:

8 a. has experienced, witnessed, or was confronted with an
9 event that involved actual or threatened death or
10 serious injury, or a threat to the physical integrity
11 of others, and the response involved fear,
12 helplessness, or horror,

13 b. the traumatic event is persistently re-experienced in
14 one or more of the following ways:

15 (1) recurrent and intrusive distressing recollections
16 of the event,

17 (2) recurrent distressing dreams,

18 (3) acting or feeling as if the traumatic event were
19 recurring,

20 (4) intense psychological distress at exposure to
21 cues that symbolize an aspect of the traumatic
22 event, or

23 (5) physiological reactivity on exposure to cues that
24 symbolize an aspect of the traumatic event,

1 c. persistent avoidance of stimuli associated with the
2 trauma and numbing of general responsiveness such as
3 efforts to avoid thoughts, feelings, or conversations
4 associated with the trauma, markedly diminished
5 interest or participation in significant activities,
6 or a feeling of detachment or estrangement from
7 others,

8 d. persistent symptoms of increased arousal such as
9 difficulty falling or staying asleep, irritability or
10 outbursts of anger, difficulty concentrating, or
11 hypervigilance,

12 e. the duration of the disturbance is more than one (1)
13 month, and

14 f. the disturbance causes clinically significant distress
15 or impairment in social, occupational, or other
16 important areas of functioning;

17 2. "Volunteer firefighter" means a person who is enrolled as a
18 member of a volunteer fire department with two or less salaried
19 firefighters and who serves in such capacity without receiving a
20 regular salary; and

21 3. "Emergency medical technician" means a person who holds a
22 license as an emergency medical technician, an intermediate or
23 advanced emergency medical technician, or a paramedic, issued by the
24 State Department of Health to perform emergency medical services in

1 accordance with the Oklahoma Emergency Response Systems Development
2 Act and the rules and standards promulgated by the State
3 Commissioner of Health.

4 SECTION 2. This act shall become effective January 1, 2025.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
7 04/04/2024 - DO PASS, As Amended and Coauthored.
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