

1 **SENATE FLOOR VERSION**

February 28, 2024

2 **AS AMENDED**

3 SENATE BILL NO. 1457

By: Treat and Rosino of the  
Senate

4 and

5 Kannady of the House

6  
7  
8 **[ workers' compensation - mental-health related**  
9 **injuries - benefits - insurance coverage - payment -**  
10 **effective date ]**

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 Section 13. A. 1. A mental injury or illness is not a  
16 compensable injury unless caused by a physical injury to the  
17 employee, and shall not be considered an injury arising out of and  
18 in the course and scope of employment or compensable unless  
19 demonstrated by a preponderance of the evidence; provided, however,  
20 that this physical injury limitation shall not apply to any victim  
21 of a crime of violence, a law enforcement officer, paid or volunteer  
22 firefighter, or emergency medical technician employed on a full-time  
23 basis by a municipality, county, or this state, or a voluntary  
24 firefighter who suffers post-traumatic stress disorder, as defined

1 in subsection E of this section, while responding to an emergency.  
2 For the purposes of this section, such employee shall be referred to  
3 as a first responder.

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

9 B. 1. Notwithstanding any other provision of ~~this act~~ the  
10 Administrative Workers' Compensation Act, where a claim is for  
11 mental injury or illness, the employee shall be limited to twenty-  
12 six (26) weeks of disability benefits unless it is shown by clear  
13 and convincing evidence that benefits should continue for a set  
14 period of time, not to exceed a total of fifty-two (52) weeks. If  
15 the treating physician is of the opinion that the first responder is  
16 temporarily unable to perform his or her job or any alternative work  
17 offered by the employer, he or she shall be entitled to receive  
18 compensation which is the greater of the weekly benefit provided for  
19 in a collective bargaining agreement or according to the policy of  
20 the employer, or seventy percent (70%) of the injured employee's  
21 average weekly wage not to exceed the state average weekly wage. If  
22 the employee has a temporary pension benefit available at no  
23 additional cost to the employee and the benefit is equal to or  
24 greater than the temporary award in this system, the employer may

1 elect to exercise the temporary pension benefit. In no event shall  
2 disability benefits extend beyond fifty-two (52) weeks.

3 2. Notwithstanding any other provision of this section, a first  
4 responder who receives benefits provided herein for a mental injury  
5 or illness not accompanied by a physical injury who, after reaching  
6 maximum medical improvement, is unable to perform the essential  
7 functions of his or her employment position and who is not eligible  
8 to receive a disability retirement through his or her pension or  
9 retirement system shall be eligible to be awarded permanent  
10 disability benefits not to exceed Fifty Thousand Dollars  
11 (\$50,000.00) as provided for in this act.

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

17 b. Death directly or indirectly related to the mental  
18 injury or illness occurring one (1) year or more from  
19 the incident resulting in the mental injury or illness  
20 shall not be a compensable injury.

21 C. 1. In the event that the Oklahoma Workers' Compensation  
22 Commission finds that a first responder has suffered post-traumatic  
23 stress disorder not accompanied by a physical injury, the employer  
24 shall provide reasonable and necessary medical treatment for such

1 injury, subject to the Oklahoma Workers' Compensation Commission's  
2 Fee Schedule, for a period not longer than one (1) year. The  
3 employer shall not be responsible for medical treatment in the form  
4 of prescription medicine in excess of Ten Thousand Dollars  
5 (\$10,000.00).

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

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

13 E. For the purposes of this section:

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

17 a. has experienced, witnessed, or was confronted with an  
18 event that involved actual or threatened death or  
19 serious injury, or a threat to the physical integrity  
20 of others, and the response involved fear,  
21 helplessness, or horror,

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

24

- 1           (1) recurrent and intrusive distressing recollections  
2           of the event,  
3           (2) recurrent distressing dreams,  
4           (3) acting or feeling as if the traumatic event were  
5           recurring,  
6           (4) intense psychological distress at exposure to  
7           cues that symbolize an aspect of the traumatic  
8           event, or  
9           (5) physiological reactivity on exposure to cues that  
10           symbolize an aspect of the traumatic event,

11       c. persistent avoidance of stimuli associated with the  
12       trauma and numbing of general responsiveness such as  
13       efforts to avoid thoughts, feelings, or conversations  
14       associated with the trauma, markedly diminished  
15       interest or participation in significant activities,  
16       or a feeling of detachment or estrangement from  
17       others,

18       d. persistent symptoms of increased arousal such as  
19       difficulty falling or staying asleep, irritability or  
20       outbursts of anger, difficulty concentrating, or  
21       hypervigilance,

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

1           f. the disturbance causes clinically significant distress  
2           or impairment in social, occupational, or other  
3           important areas of functioning;

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

8           3. "Emergency medical technician" means a person who holds a  
9 license as an emergency medical technician, an intermediate or  
10 advanced emergency medical technician, or a paramedic, issued by the  
11 State Department of Health to perform emergency medical services in  
12 accordance with the Oklahoma Emergency Response Systems Development  
13 Act and the rules and standards promulgated by the State  
14 Commissioner of Health.

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

16           COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
17           February 28, 2024 - DO PASS