First responder workplace mental injury coverage.

Sponsored by: Senator(s) Nethercott, Anderson, Anselmi-Dalton, Baldwin, Biteman, Boner, Coe, Hutchings, Landen, Moniz, Rothfuss and Schuler and Representative(s) Brown, Lindholm, Salazar, Walters and Zwonitzer

A BILL

for

AN ACT relating to worker's compensation; specifying when mental injury is considered a compensable injury for first responders; providing conforming changes; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 27-14-102(a)(xi)(J) and by creating a new paragraph (xxxi) is amended to read:

27-14-102. Definitions.

(a) As used in this act:
(xi) "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extrahazardous duties incident to the business. "Injury" does not include:

(J) Any mental injury unless it is:

(I) Caused by a compensable physical injury, it occurs subsequent to or simultaneously with, the physical injury and it is established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist or licensed clinical psychologist meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. In no event shall benefits for a compensable mental injury under this subdivision be paid for more than six (6) months after an injured employee's physical injury has healed to the
point that it is not reasonably expected to substantially improve; or

(II) Experienced by a first responder and established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist or licensed clinical psychologist meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. The mental injury shall only be deemed a compensable injury if the first responder, as a condition of employment, submitted to a psychological examination administered by a psychiatrist or psychologist licensed in the state of Wyoming who ruled out the presence of the same mental injury from any preemployment exposure. If the employer does not provide an examination as a condition of employment, the mental injury shall not be compensable under this subdivision. The mental injury shall not be considered a compensable injury if the mental injury is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination or similar action taken by an employer.
(xxx1) "First responder" means an employee who is employed or volunteers as a firefighter, law enforcement personnel or ambulance personnel.

Section 2. This act is effective July 1, 2020.