
OLR Bill Analysis

SB 660 (File 446, as amended by Senate "A")*

AN ACT EXPANDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN MENTAL OR EMOTIONAL IMPAIRMENTS SUFFERED BY HEALTH CARE PROVIDERS IN CONNECTION WITH COVID-19.

SUMMARY

This bill expands eligibility for workers' compensation benefits for post-traumatic stress injuries (PTSI) to cover (1) emergency medical services (EMS) personnel; (2) all Department of Correction (DOC) employees; (3) telecommunicators (i.e., 9-1-1 emergency dispatchers); and (4) under certain circumstances related to COVID-19, health care providers. The bill also changes the terminology used in the underlying law by replacing "post-traumatic stress disorder" (PTSD) with "post-traumatic stress injury."

Current law provides workers' compensation PTSD benefits to police officers, DOC-employed parole officers, and firefighters diagnosed with PTSD as a direct result of certain qualifying events (e.g., witnessing someone's death) that occur in the line of duty. The bill allows EMS personnel, DOC employees, and emergency dispatchers to qualify for benefits through the same qualifying events, although the dispatchers may do so by hearing them. Qualifying events for health care providers under the bill are the same types of events, but they must have occurred due to, or as a result of, COVID-19.

The PTSI benefits provided under the bill are subject to the same limitations and procedures that current law applies to the benefits for firefighters, police, and parole officers. The bill also makes technical and conforming changes.

*Senate Amendment "A" specifies that to be eligible for benefits under the bill, (1) PCAs must meet the same 26-hour weekly work

threshold that the existing workers' compensation law applies to people who work in or about a private dwelling and (2) emergency dispatchers must have been directly responding to an emergency that constitutes a qualifying event and providing a dispatch assignment.

EFFECTIVE DATE: Upon passage

EMS PERSONNEL, TELECOMMUNICATORS, AND HEALTH CARE PROVIDERS

Under the bill, "emergency medical services personnel" are certified emergency medical responders, emergency medical technicians, advanced emergency medical technicians, EMS instructors, and licensed paramedics.

"Telecommunicators" are individuals engaged in or employed by a public or private safety agency as telecommunications operators (1) whose primary responsibility is receiving or processing 9-1-1 calls for emergency assistance or dispatching emergency services provided by public safety agencies and (2) who receive or disseminate information relative to emergency assistance by telephone or radio.

"Health care providers" are people employed at a physician's office, hospital, health care center, clinic, medical school, local health department or agency, nursing or retirement facility, nursing home, group home, home health care provider, facility that performs laboratory or medical testing, or pharmacy or any similar institution.

Health care providers also include people who provide personal care assistance (PCAs) under a state-funded program, such as the Connecticut Home Care Program for Elders, as long as the PCA is regularly employed by the owner or occupier of the dwelling for more than 26 hours per week. (This generally aligns the bill's coverage of PCAs with existing workers' compensation law, which only covers people who work in or about a private dwelling if they are regularly employed by the dwelling's owner or occupier for more than 26 hours per week (CGS § 31-275(9)(B)(iv)).)

QUALIFYING EVENTS

Under current law, police officers, parole officers, and firefighters are eligible for workers' compensation PTSD benefits if a mental health professional examines them and diagnoses PTSD as a direct result of a qualifying event in the line of duty.

For EMS Personnel, DOC Employees, and Emergency Dispatchers

The bill extends current law's eligibility requirements to EMS personnel, DOC employees, and emergency dispatchers. Thus, their PTSI diagnosis is compensable with workers' compensation benefits if a mental health professional examines them and diagnoses PTSI as a direct result of an event that occurs in the line of duty on or after July 1, 2019, and in which they:

1. view a deceased minor;
2. witness (a) a person's death or an incident involving a person's death, (b) an injury to a person who subsequently dies before or upon admission to a hospital as a result of the injury and not any other intervening cause, or (c) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim's permanent disfigurement; or
3. carry, or have physical contact with and treat, an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not any other intervening cause.

For emergency dispatchers, however, witnessing a "qualifying event" is hearing by telephone or radio (1) someone's death or an incident involving someone's death; (2) an injury to someone who subsequently dies before or upon admission to a hospital because of the injury; or (3) a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in the victim's permanent disfigurement. In addition, this must occur while the dispatcher is directly responding to an emergency that constitutes a qualifying event and providing a dispatch assignment.

For Health Care Providers

For health care providers under the bill, a qualifying event is an event arising in and out of the course of employment on or after March 10, 2020, in which the provider was engaged in activities substantially dedicated to mitigating or responding to the COVID-19 emergency and:

1. witnessed the death of a person due to COVID-19;
2. witnessed an injury to a person who subsequently died as a result of COVID-19;
3. had physical contact with and treated or provided care for a person who subsequently died as a result of COVID-19; or
4. witnessed a traumatic physical injury that resulted in someone's loss of a vital body function due to COVID-19.

PTSI BENEFITS AND PROCEDURE

Under the bill, the PTSI benefits provided to EMS personnel, DOC employees, emergency dispatchers, and health care providers are subject to the same limitations and procedures that current law applies to the benefits for firefighters, police, and parole officers. Among other things, this (1) caps the benefits' duration at 52 weeks; (2) prohibits the benefits from being awarded beyond four years after the qualifying event; and (3) requires that employers contest a claim for PTSI benefits through a process that is generally similar to the one used for contesting other workers' compensation claims, although with different deadlines.

BACKGROUND

Related Bills

sHB 6595 (File 463, §§ 5-6) and sSB 1002 (File 464, §§ 5-6), both reported favorably by the Labor and Public Employees Committee, contain provisions similar to this bill (and identical to the unamended bill (File 446)).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/25/2021)

Appropriations Committee

Joint Favorable

Yea 47 Nay 1 (05/03/2021)