

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 836

By: Leewright

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5
6 AS INTRODUCED

7 An Act relating to workers' compensation for
8 volunteer firefighters; amending Section 13, Chapter
9 208, O.S.L. 2013 (85A O.S. Supp. 2018, Section 13),
10 which relates to mental injury or illness; adding
11 certain exception; updating statutory references; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY Section 13, Chapter 208, O.S.L.
15 2013 (85A O.S. Supp. 2018, Section 13), is amended to read as
16 follows:

17 Section 13. A. 1. A mental injury or illness is not a
18 compensable injury unless caused by a physical injury to the
19 employee, and shall not be considered an injury arising out of and
20 in the course and scope of employment or compensable unless
21 demonstrated by a preponderance of the evidence; provided, however,
22 that this physical injury limitation shall not apply to any victim
23 of a crime of violence or to a volunteer firefighter.

24 2. No mental injury or illness under this section shall be
25 compensable unless it is also diagnosed by a licensed psychiatrist

1 or psychologist and unless the diagnosis of the condition meets the
2 criteria established in the most current issue of the Diagnostic and
3 Statistical Manual of Mental Disorders.

4 B. 1. Notwithstanding any other provision of ~~this act~~ the
5 Administrative Workers' Compensation Act, where a claim is for
6 mental injury or illness, the employee shall be limited to twenty-
7 six (26) weeks of disability benefits unless it is shown by clear
8 and convincing evidence that benefits should continue for a set
9 period of time, not to exceed a total of fifty-two (52) weeks.

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

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

19 SECTION 2. This act shall become effective November 1, 2019.

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