

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB2276
Version:	FA1
Request Number:	7848
Author:	Rep. West, Josh
Date:	3/8/2021
Impact:	See analysis below

Research Analysis

HB 2276 deems a mental injury or illness a compensable injury for law enforcements officers, firefighters, or emergency medical technicians (referred to in the bill as first responders) who suffer post traumatic stress disorder (PTSD) while responding to an emergency. If the treating physician believes the first responder is temporarily unable to perform their job or any alternative work, the first responder is entitled to compensation which is the greater of the weekly benefit provided for in a collective bargaining agreement or 70 percent of the injured employee's average weekly wage not to exceed the state average weekly wage. Disability benefits shall not extend beyond 52 weeks.

The measure also provides that, if the Workers' Compensation Commission finds that a first responder has suffered PTSD not accompanied by a physical injury, the employer shall provide reasonable and necessary medical treatment for a period of no longer than one year. The employer shall not be responsible for treatment in the form of prescription medication in excess of \$10,000. The employer shall pay to maintain health insurance coverage for the first responder during any period in which they are unable to perform their job, if such insurance was in effect on the date of the injury.

Finally, the measure replaces references to the CompSource Mutual Insurance Company with references to the Office of Management and Enterprise Services with regard to workers' compensation insurance for volunteer firefighters.

Modifications Contained in Floor Substitute

The floor substitute for HB 2276 adds definitions for *Emergency Medical Technician (EMT)*, *First Responder*, and *Post Traumatic Stress Disorder (PTSD)*. New language added will govern the payment of workers' compensation benefits to the first responder categories for post traumatic stress disorder. The substitute also removes Section 2 of the floor version, which was the replacement of references to CompSource Mutual Insurance Company with the Office of Management and Enterprise Services. Finally, the substitute adds an emergency clause with an effective date of July 1, 2021.

Prepared By: Emily McPherson

Fiscal Analysis

The floor substitute to HB 2276 provides that the reasonable and necessary medical treatment benefits allowed for first-responders suffering from post-traumatic stress disorder (PTSD) not accompanied by a physical injury shall not be required if the first-responder's employing entity

provides a Mental Health Treatment Program as required, authorized, and approved by the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS).

The floor substitute also requires ODMHSAS to develop a comprehensive Mental Health Treatment Program for the treatment of PTSD. ODMHSAS indicates that the cost to the agency to create and implement the program is approximately \$50,000.

Upon review and with consultation from the Workers' Compensation Commission and the Office of Management and Enterprise Services, the measure is determined to have an unknown fiscal impact to the state.

The impact to the state results from the application of the provisions of the measure to those claimants that are state employees. The exact impact to the state would depend on the number and disposition of claims. Since these types of claims are not currently compensable, it is unknown what impact the measure would have.

Prepared By: Clayton Mayfield

Other Considerations

None.