

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1842

By: Lepak

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7 AS INTRODUCED

8 An Act relating to workers' compensation; amending
9 85A O.S. 2021, Section 13, as amended by Section 1,
10 Chapter 285, O.S.L. 2024 (85A O.S. Supp. 2024,
11 Section 13), which relates to mental health-related
12 injuries; directing employer of first responders to
13 collect service weapon while undergoing treatment;
14 directing for CLEET certification to be suspended
15 until the first responder is able to perform their
16 job; and providing an effective date.

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

17 SECTION 1. AMENDATORY 85A O.S. 2021, Section 13, as
18 amended by Section 1, Chapter 285, O.S.L. 2024 (85A O.S. Supp. 2024,
19 Section 13), is amended to read as follows:

20 Section 13. A. 1. A mental injury or illness is not a
21 compensable injury unless caused by a physical injury to the
22 employee, and shall not be considered an injury arising out of and
23 in the course and scope of employment or compensable unless
24 demonstrated by a preponderance of the evidence; provided, however,

1 that this physical injury limitation shall not apply to any victim
2 of a crime of violence, a law enforcement officer, paid or volunteer
3 firefighter, or emergency medical technician employed on a full-time
4 basis by a municipality, county, or this state, or a volunteer
5 firefighter, who suffers post-traumatic stress disorder, as defined
6 in subsection E of this section, while responding to an emergency.
7 For the purposes of this section, such employee shall be referred to
8 as a first responder.

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

14 B. 1. Notwithstanding any other provision of the
15 Administrative Workers' Compensation Act, where a claim is for
16 mental injury or illness, the employee shall be limited to twenty-
17 six (26) weeks of disability benefits unless it is shown by clear
18 and convincing evidence that benefits should continue for a set
19 period of time, not to exceed a total of fifty-two (52) weeks. If
20 the treating physician is of the opinion that the first responder is
21 temporarily unable to perform his or her job or any alternative work
22 offered by the employer, he or she shall be entitled to receive
23 compensation which is the greater of the weekly benefit provided for
24 in a collective bargaining agreement or according to the policy of

1 the employer, or seventy percent (70%) of the injured employee's
2 average weekly wage, not to exceed the state average weekly wage.
3 If the employee has a temporary pension benefit available at no
4 additional cost to the employee and the benefit is equal to or
5 greater than the temporary award in this system, the employer may
6 elect to exercise the temporary pension benefit. In no event shall
7 disability benefits extend beyond fifty-two (52) weeks.

8 2. Notwithstanding any other provision of this section, a first
9 responder who receives benefits provided herein for a mental injury
10 or illness not accompanied by a physical injury who, after reaching
11 maximum medical improvement, is unable to perform the essential
12 functions of his or her employment position and who is not eligible
13 to receive a disability retirement through his or her pension or
14 retirement system shall be eligible to be awarded permanent
15 disability benefits not to exceed Fifty Thousand Dollars
16 (\$50,000.00) as provided for in this act.

17 3. a. In cases where death results directly from the mental
18 injury or illness within a period of one (1) year,
19 compensation shall be paid to the dependents as
20 provided in other death cases under the Administrative
21 Workers' Compensation Act.

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

3 C. 1. In the event that the Oklahoma Workers' Compensation
4 Commission finds that a first responder has suffered post-traumatic
5 stress disorder not accompanied by a physical injury, the employer
6 shall provide reasonable and necessary medical treatment for such
7 injury, subject to the Oklahoma Workers' Compensation Commission's
8 Fee Schedule, for a period not longer than one (1) year. The
9 employer shall not be responsible for medical treatment in the form
10 of prescription medicine in excess of Ten Thousand Dollars
11 (\$10,000.00).

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

16 3. During any period in which the first responder is
17 temporarily unable to perform his or her job, the employer shall
18 collect the first responder's service weapon, and the first
19 responder's CLEET certification shall be suspended until the first
20 responder is able to perform his or her job.

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

24 E. For the purposes of this section:

- 1 1. "Post-traumatic stress disorder" means an injury or
2 condition in which a first responder has been exposed to a traumatic
3 event and:
- 4 a. has experienced, witnessed, or was confronted with an
5 event that involved actual or threatened death or
6 serious injury, or a threat to the physical integrity
7 of others, and the response involved fear,
8 helplessness, or horror,
 - 9 b. the traumatic event is persistently re-experienced in
10 one or more of the following ways:
 - 11 (1) recurrent and intrusive distressing recollections
12 of the event,
 - 13 (2) recurrent distressing dreams,
 - 14 (3) acting or feeling as if the traumatic event was
15 recurring,
 - 16 (4) intense psychological distress at exposure to
17 cues that symbolize an aspect of the traumatic
18 event, or
 - 19 (5) physiological reactivity on exposure to cues that
20 symbolize an aspect of the traumatic event,
 - 21 c. persistent avoidance of stimuli associated with the
22 trauma and numbing of general responsiveness such as
23 efforts to avoid thoughts, feelings, or conversations
24 associated with the trauma, markedly diminished

1 interest or participation in significant activities,
2 or a feeling of detachment or estrangement from
3 others,

4 d. persistent symptoms of increased arousal such as
5 difficulty falling or staying asleep, irritability or
6 outbursts of anger, difficulty concentrating, or
7 hypervigilance,

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

10 f. the disturbance causes clinically significant distress
11 or impairment in social, occupational, or other
12 important areas of functioning;

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

17 3. "Emergency medical technician" means a person who holds a
18 license as an emergency medical technician, an intermediate or
19 advanced emergency medical technician, or a paramedic, issued by the
20 State Department of Health to perform emergency medical services in
21 accordance with the Oklahoma Emergency Response Systems Development
22 Act and the rules and standards promulgated by the State
23 Commissioner of Health.

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SECTION 2. This act shall become effective November 1, 2025.

60-1-10584 MJ 01/07/25