



HOUSE BILL 492: WC/Psych. Trauma-Related Injuries.

2021-2022 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 5, 2021
Introduced by:	Reps. White, K. Baker, Cunningham, Clampitt	Prepared by:	Brian Gwyn*
Analysis of:	PCS to First Edition H492-CSBE-22		Committee Co-Counsel

OVERVIEW: House Bill 492 would entitle first responders to Workers' Compensation benefits for posttraumatic stress disorder in certain situations regardless of whether the injuries are accompanied by physical injuries. The PCS would do the following:

- Remove reference to the first responder not having injuries other than posttraumatic stress.
- Change "licensed psychiatrist or licensed psychologist" to "health care provider" for the purposes of making a diagnosis and connection to employment activities.
- Remove requirement that the disorder must be demonstrated by a preponderance of medical evidence.
- Make other clarifying, conforming and technical changes.

CURRENT LAW: Chapter 97 of the NC General Statutes provides the Workers' Compensation Act.

G.S. 97-52 provides that disablement or death of an employee resulting from an occupational disease described in G.S. 97-53 shall be treated as the happening of an injury by accident within the meaning of the North Carolina Workers' Compensation Act and the procedure and practice and compensation and other benefits apply, unless otherwise provided.

G.S. 97-53 provides a list of occupational diseases.

G.S. 58-84-5(3a) provides that a firefighter is any person who meets all the following requirements:

- Is a volunteer, employee, contractor, or member of a rated and certified fire department, or employee of a County Fire Marshal's Office whose sole duty is to act as fire marshal, deputy fire marshal, assistant fire marshal, or firefighter of the county.
- Performs work or training connected with fire protection, fire prevention, fire control, fire education, fire inspection, fire investigation, rescue, Emergency Medical Services, special operations, or performs the statutory duties and responsibilities of the fire chief as set forth in G.S. 160A-292.
- Performs work or training at the direction of the fire chief.
- Is included on the certified roster submitted to the North Carolina State Firefighters' Association pursuant to G.S. 58-86-25.

BILL ANALYSIS: The PCS would make posttraumatic stress disorder a compensable occupational disease for first responders under the Workers' Compensation Act if the first responder is examined and subsequently diagnosed with such disorder by a health care provider who establishes within a reasonable

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degree of medical certainty that the posttraumatic stress disorder is caused by activities of employment as a first responder.

A first responder would be defined as a law enforcement officer, a firefighter, a 911 dispatcher, or an emergency medical technician or paramedic employed by State or local government. The term would also include a volunteer firefighter meeting the requirements of G.S. 58-84-5(3a).

Posttraumatic stress disorder would be defined as it is in the Diagnostic and Statistical Manual of Mental Disorders, Current Edition, published by the American Psychiatric Association.

The PCS would require employing agencies of first responders, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

EFFECTIVE DATE: The PCS would become effective July 1, 2021.

BACKGROUND: The [North Carolina Industrial Commission](#) administers the Workers' Compensation Act which is provided in Chapter 97 of the NC General Statutes.

Diagnostic and Statistical Manual of Mental Disorders defines and classifies mental disorders for the purpose of diagnosis, treatment, and research. It is used by clinicians and researchers.

**Theresa Matula, Legislative Analyst with the Legislative Analysis Division, substantially contributed to this summary.*