



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

2021-2022 General Assembly

<b>Committee:</b>	House Health. If favorable, re-refer to Judiciary 1. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 26, 2021
<b>Introduced by:</b>	Reps. White, K. Baker, Cunningham, Clampitt	<b>Prepared by:</b>	Theresa Matula
<b>Analysis of:</b>	First Edition		Committee Staff

**OVERVIEW:** House Bill 492 would entitle first responders to Workers' Compensation benefits for posttraumatic stress disorder whether the injuries are accompanied by physical injuries or not.

**BILL ANALYSIS:** House Bill 492 would add special provisions for employment-related occupational diseases of first responders to the list of occupational diseases under the Workers' Compensation Act.

- *First responder* means a law enforcement officer, a firefighter, a 911 dispatcher, or an emergency medical technician or paramedic employed by State or local government, and a volunteer firefighter meeting the requirement of G.S. 58-84-5(3a).
- *Posttraumatic stress disorder* is as described in the Diagnostic and Statistical Manual of Mental Disorders, Current Edition, published by the American Psychiatric Association.

The bill would provide that posttraumatic stress disorder without other injury is a compensable occupational disease when it arises out of employment as a first responder and arises out of injuries that are characteristic of and peculiar to a particular trade, occupation, process, or employment if:

- (i) the posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment, and
- (ii) the first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist or licensed psychologist who establishes within a reasonable degree of medical certainty that the posttraumatic stress disorder is a result of employment activities.

The disorder must be demonstrated by a preponderance of medical evidence by a licensed psychiatrist or licensed psychologist.

The bill also requires 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 bill would become effective July 1, 2021.

**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.

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# House Bill 492

Page 2

**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.

## **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.