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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

H.B. 308
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 308's Bill Analysis](#)

Version: In House Insurance

Primary Sponsor: Rep. Patton

Local Impact Statement Procedure Required: Yes

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Highlights

- The bill would increase annual post-traumatic stress disorder (PTSD) claims and costs to the workers' compensation system by approximately \$44 million in the initial year. The bill would also increase future workers' compensation premiums for public employers with first responder employees.

Detailed Analysis

Bureau of Workers' Compensation

The bill requires the Bureau of Workers' Compensation (BWC) to provide compensation and benefits under Ohio's Workers' Compensation Law to a peace officer, firefighter, or emergency medical worker who is diagnosed with PTSD, regardless of whether the person suffers an accompanying physical injury. (Currently, an employee is not eligible to receive any compensation or benefits under Ohio's Workers' Compensation Law for PTSD unless the PTSD arose from a compensable physical injury incurred by the employee.)

The bill prohibits a claimant from receiving compensation or benefits under the Workers' Compensation Law for PTSD with no accompanying physical injury at the same time as the claimant is receiving a disability benefit or disability retirement, as applicable, from the Public Employees Retirement System (PERS), the Ohio Police and Fire Pension Fund (OP&F), the School Employees Retirement System (SERS), or the State Highway Patrol Retirement System (SHPRS). The bill also allows BWC or a self-insuring employer to collect both of the following from the claimant: (1) the amount of compensation or benefits paid to the claimant by the Administrator of BWC or the self-insuring employer pursuant to the Workers' Compensation Law for the time period the claimant received disability benefits or a disability retirement from the retirement system, and (2) any interest, attorney's fees, and costs the Administrator or the self-insuring employer incurs in collecting that payment.

Fiscal effect

According to an actuarial analysis of H.B. 308, prepared by BWC's actuaries and dated August 23, 2019, the bill would increase annual PTSD claims and costs by approximately \$44 million in the initial year, based on the method and assumptions described in the analysis. The analysis stated that "While the extent of the potential increase is difficult to predict with any degree of precision due to significant data limitations, we feel the estimate provided is reasonable." The analysis also noted that "this increased cost will result in higher future premiums for the public entities with first responder employees." The actual cost of the bill would depend on the actual number of such first responders who are diagnosed with PTSD and the total workers' compensation benefits paid.

Retirement systems

The bill requires each board of the retirement systems to provide certain information related to its member to the Administrator, upon determining that such member's PTSD without an accompanying physical injury qualifies the member for the system's disability benefit or disability retirement.