



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

Sub. S.B. 5

131st General Assembly
(As Re-reported by S. Finance)

Sens. Patton and Brown, LaRose, Gentile, Bacon, Eklund, Lehner, Yuko, Cafaro, Schiavoni, Manning, Hughes, Tavares

BILL SUMMARY

- Makes a peace officer, firefighter, or emergency medical worker who is diagnosed with post-traumatic stress disorder eligible to receive compensation and benefits under Ohio's Workers' Compensation Law under certain circumstances, regardless of whether the person suffers an accompanying physical injury.

CONTENT AND OPERATION

Workers' compensation coverage for PTSD

Under the bill, a peace officer, firefighter, or emergency medical worker who is diagnosed with post-traumatic stress disorder (PTSD), received in the course of and arising out of the person's employment as a peace officer, firefighter, or emergency medical worker, may be eligible to receive compensation and benefits under Ohio's Workers' Compensation Law¹ regardless of whether the PTSD is connected to a compensable physical injury.²

Background – psychiatric conditions as "injuries"

Other than injuries falling under specific exceptions (self-inflicted injuries or injuries caused by the employee's intoxication), Ohio's Workers' Compensation Law entitles every employee who is injured or contracts an occupational disease to receive compensation, benefits, or both on account of the injury or occupational disease.³

¹ R.C. Chapters 4121., 4123., 4127., and 4131.

² R.C. 4123.01(C), (O), (P), and (Q), with conforming changes in R.C. 4123.01(A), 4123.026, and 4123.46.

³ R.C. 4123.54, not in the bill.

Continuing law defines "injury" as any injury received in the course of, and arising out of, the injured employee's employment. Currently, psychiatric conditions generally are excluded from the definition of injury, except where:

(1) The employee's psychiatric conditions have arisen from an injury or occupational disease sustained by that employee; or

(2) The employee's psychiatric conditions have arisen from sexual conduct in which the employee was forced to engage or participate by threat of physical harm.⁴

Thus, under current law, an employee is not eligible to receive compensation or benefits under Ohio's Workers' Compensation Law for PTSD unless the PTSD arose from a compensable physical injury incurred by the employee.⁵

Background – PTSD

PTSD is an illness caused by living through or seeing a traumatic event, such as war, a violent crime, or a bad accident. PTSD can cause flashbacks, trouble sleeping, thoughts of hurting oneself or others, angry outbursts, and feelings of worry, guilt, sadness, or loneliness. Signs of PTSD may start soon after a traumatic event or may start or intensify years after the event.⁶

Definitions

Under continuing law, a "peace officer" means any of the following:

(1) A sheriff or deputy sheriff;

(2) A marshal or deputy marshal;

(3) A member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio;

(4) A member of a police force employed by a metropolitan housing authority;

(5) A member of a police force employed by a regional transit authority;

⁴ R.C. 4123.01(C).

⁵ *Armstrong v. Jurgensen Co.*, 136 Ohio St.3d 58, 2013-Ohio-2237.

⁶ National Institute of Mental Health, *Post-Traumatic Stress Disorder (Easy-to-Read)*, <http://www.nimh.nih.gov/health/publications/post-traumatic-stress-disorder-easy-to-read/index.shtml> (accessed October 13, 2015).

- (6) A state university law enforcement officer;
- (7) An enforcement agent of the Department of Public Safety;
- (8) An employee of the Department of Taxation to whom investigation powers have been delegated under the Cigarette Tax Law;
- (9) An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a forest officer, a preserve officer, a wildlife officer, a park officer, or a state watercraft officer;
- (10) A person designated to perform law enforcement duties in a park district or conservancy district or by a park commission;
- (11) A veterans' home police officer;
- (12) A special police officer employed by a port authority;
- (13) A township police constable;
- (14) A police officer of a township or joint police district;
- (15) A special police officer employed by a municipal corporation at a municipal airport or certain other municipal air navigation facilities;
- (16) The House of Representatives Sergeant at Arms, if the person has arrest authority, or an assistant House of Representatives Sergeant at Arms;
- (17) The Senate Sergeant at Arms or an assistant Senate Sergeant at Arms;
- (18) Certain Bureau of Criminal Identification and Investigation employees or officers;
- (19) A state fire marshal law enforcement officer;
- (20) The Superintendent and troopers of the State Highway Patrol, for specified purposes.⁷

Under continuing law, an "emergency medical worker" means any of the following persons, whether the person is paid or a volunteer, so long as the person is certified under Ohio law:

⁷ R.C. 4123.01(O), by reference to R.C. 2935.01, not in the bill.



- A first responder;
- An emergency medical technician-basic;
- An emergency medical technician-intermediate;
- An emergency medical technician-paramedic.⁸

HISTORY

ACTION	DATE
Introduced	02-02-15
Reported, S. Transportation, Commerce & Labor	02-26-15
Re-referred to S. Finance	03-04-15
Re-reported, S. Finance	10-14-15

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⁸ R.C. 4123.01(A) and (Q).

