

States that Have Enacted PTSD Presumption Provisions as of 6/25/19
and statutory language related to variables affecting cost and frequency of claims

Statutory References		
State	Effective Date	Link
Connecticut	7/1/19	https://cga.ct.gov/2019/ACT/pa/pdf/2019PA-00017-R00SB-00164-PA.pdf
Florida	10/1/18	https://www.flsenate.gov/Laws/Statutes/2018/112.1815
Idaho	7/1/19 – auto repeal 7/1/23	https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2019/legislation/S1028.pdf
Maine	11/1/17 – auto repeal 10/1/22	https://legislature.maine.gov/statutes/39-A/title39-Ach5.pdf
Minnesota	1/1/19	https://www.revisor.mn.gov/statutes/cite/176.011
Nevada	7/1/19	https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6945/Text
Oregon	91 st day sine die (likely 9/29/19)	https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB507/Enrolled
Vermont	7/1/17	https://legislature.vermont.gov/statutes/fullchapter/21/009
Washington	6/7/18 2019 amendments eff. 7/28/19	https://app.leg.wa.gov/RCW/default.aspx?cite=51.08.142 https://app.leg.wa.gov/RCW/default.aspx?cite=51.08.165 http://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1913.SL.pdf

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Variable: Covered Employees	
State	Provision
Connecticut	Police officer (excluding tribal police), firefighter or parole officer acting in the line of duty
Florida	<i>The term "first responder" as used in this section means a law enforcement officer as defined in s. 943.10, a firefighter as defined in s. 633.102, or an emergency medical technician or paramedic as defined in s. 401.23 employed by state or local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government for purposes of this section.</i>
Idaho	First responder, defined as a peace officer employed by city, county or Idaho state police; a firefighter; a volunteer emergency responder; certified emergency medical service provider and ambulance-based clinicians; emergency communications officer.
Maine	<p>Law enforcement officer, firefighter or emergency medical services person</p> <p><i>Emergency medical services person" means a person licensed as an emergency medical services person under Title 32, chapter 2-B who is employed by, or provides voluntary service to, an ambulance service as defined in Title 32, section 83 or a non-transporting emergency medical service</i></p> <p><i>"Firefighter" means an active member of a municipal fire department or a volunteer fire association.</i></p> <p><i>Law enforcement officer" means a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process.</i></p>
Minnesota	<i>A licensed police officer; a firefighter; a paramedic; an emergency medical technician; a licensed nurse employed to provide emergency medical services outside of a medical facility; a public safety dispatcher; an officer employed by the state or a political subdivision at a corrections, detention, or secure treatment facility; a sheriff or full-time deputy sheriff of any county; or a member of the Minnesota State Patrol.</i>
Nevada	Salaried or volunteer firefighter, a police officer, an emergency dispatcher, call taker, paramedic or EMT employed by a public agency.

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Variable: Covered Employees	
State	Provision
Oregon	Full-time paid firefighter, police officer, correction or youth corrections officer, parole and probation officer, emergency dispatcher or 911 operator.
Vermont	Paid or volunteer police officers, rescue or ambulance workers – including private ambulance, and firefighters.
Washington	<i>Firefighters as defined in *RCW 41.26.030(16) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in *RCW 41.26.030(18) (b), (c), and (e).</i> Includes EMTs, dispatchers, full-time executive secretary of association of fire protection districts, deputy sheriffs. Some must have completed civil service exams; others have criteria as to participation in retirement plans

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Variable: Prerequisites and Timing Limitations	
State	Provision
Connecticut	<p><i>No medical treatment, temporary total incapacity benefits under section 31-307 of the general statutes or temporary partial incapacity benefits under subsection (a) of section 31-308 of the general statutes shall be awarded beyond four years from the date of the qualifying event that formed the basis for the personal injury.</i></p> <p>WC benefits limited to 52 weeks from date of diagnosis. WC benefits plus other retirement, Social Security and disability benefits cannot exceed the average weekly wage of the worker. Treatment can be provided only by a psychiatrist or psychologist who is on an approved list of practicing physicians established by the chair of the Workers' Compensation Commission.</p>
Florida	<p><i>Measured from one of the qualifying events listed in subparagraph (a)2. or the manifestation of the disorder, whichever is later. A claim under this subsection must be properly noticed within 52 weeks after the qualifying event.</i></p>
Idaho	Appears to be silent
Maine	Appears to be silent
Minnesota	Appears to be silent
Nevada	Appears to be silent.
Oregon	<p><i>Was employed for at least five years by, or experienced a single traumatic event that satisfies the criteria set forth in the DSM-5 as Criterion A for diagnosing post-traumatic stress disorder while employed by, the state, a political subdivision of the state, a special government body, as defined in ORS 174.117, or a public agency.</i></p> <p>Must either be still employed by the public agency in that occupation or separated from it for no more than seven years.</p>
Vermont	Diagnosed with post-traumatic stress disorder within three years of the last active date of employment as a police officer, rescue or ambulance worker, or firefighter.

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Variable: Prerequisites and Timing Limitations

State	Provision
Washington	<p>Covers post-traumatic stress disorder that develops or manifests itself after the individual has served at least 10 years.</p> <p>Although it appears to be silent on PTSD, eligibility for other statutory presumptions continues following termination of service for a period of <i>three calendar months for each year of requisite service but may not extend more than sixty months following the last date of employment.</i></p> <p><i>For firefighters as defined in *RCW 41.26.030(16) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in *RCW 41.26.030(18) (b), (c), and (e) hired after June 7, 2018, (a) of this subsection only applies if the firefighter or law enforcement officer, as a condition of employment, has submitted to a psychological examination administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW that ruled out the presence of post-traumatic stress disorder from preemployment exposures.</i></p> <p><i>If the employer does not provide the psychological exam as specified in RCW 51.08.142 and the employee otherwise meets the requirements for the presumption established in subsection (1)(b) of this section, the presumption applies.</i></p>

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Variable: Conditions Subject to the Presumption	
State	Provision
Connecticut	Post-traumatic stress disorder meeting the diagnostic criteria in the most recent edition of the DSM.
Florida	<i>... Post-traumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association.</i>
Idaho	Post-traumatic stress disorder or injury defined in DSM-V or any successor APA manual
Maine	Post-traumatic stress disorder that resulted from work stress <i>that was extraordinary and unusual compared with that experienced by the average employee.</i>
Minnesota	Post-traumatic stress disorder as described in the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association.
Nevada	<i>... Mental injury caused by extreme stress in time of danger.</i>
Oregon	PTSD and Acute Stress Disorder, <i>if a covered employee establishes through a preponderance of persuasive medical evidence from a psychiatrist or psychologist that the covered employee has more likely than not satisfied the diagnostic criteria in the DSM-5 for post-traumatic stress disorder or acute stress disorder.</i>
Vermont	<i>... Mental condition resulting from a work-related event or work-related stress shall be considered a personal injury by accident arising out of and in the course of employment and be compensable if it is demonstrated by the preponderance of the evidence that:</i> <i>(I) the work-related event or work-related stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations; and</i> <i>(II) the work-related event or work-related stress, and not some other event or source of stress, was the predominant cause of the mental condition.</i>
Washington	<i>"Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic stress specified by the American Psychiatric Association in the diagnostic and statistics manual of mental disorders, fifth edition, or in a later edition as adopted by the department in rule.</i>

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Variable: Eligibility to Diagnose	
State	Provision
Connecticut	<i>A board-certified psychiatrist or a psychologist licensed under state law, who has experience diagnosing and treating post-traumatic stress disorder.</i>
Florida	Licensed psychiatrist who is an authorized treating physician
Idaho	Psychologist, licensed psychiatrist, or counselor trained in post-traumatic stress injury
Maine	<i>Is diagnosed by an allopathic physician or an osteopathic physician licensed under state law, with a specialization in psychiatry or a psychologist licensed under state law.</i>
Minnesota	Licensed psychiatrist or psychologist.
Nevada	Appears to be silent.
Oregon	Licensed psychiatrist or psychologist <i>whom the Oregon Medical Board has licensed and certified as eligible to diagnose the conditions.</i>
Vermont	Mental health professional. <i>"Mental health professional" means a person with professional training, experience, and demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or licensed to provide mental health care services and for whom diagnoses of mental conditions are within his or her scope of practice, including a physician, nurse with recognized psychiatric specialties, psychologist, clinical social worker, mental health counselor, or alcohol or drug abuse counselor.</i>
Washington	Appears to be silent on PTSD. Pre-employment psych exam must be administered by a psychiatrist licensed in the state of Washington under chapter 18.71 RCW or a psychologist licensed in the state of Washington under chapter 18.83 RCW.

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Variable: Triggering Events	
State	Provision
Connecticut	<p>Provision is triggered when one of the below events, experienced in the line of duty is a substantial factor in, and primary cause of, a PTSD diagnosis:</p> <ul style="list-style-type: none"> <i>(A) Views a deceased minor;</i> <i>(B) Witnesses the death of a person or an incident involving the death of a person;</i> <i>(C) Witnesses an injury to a person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;</i> <i>(D) Has physical contact with and treats an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause;</i> <i>(E) Carries an injured person who subsequently dies before or upon admission at a hospital as a result of the injury and not as a result of any other intervening cause; or</i> <i>(F) Witnesses a traumatic physical injury that results in the loss of a vital body part or a vital body function that results in permanent disfigurement of the victim.</i>
Florida	<p>Provision is triggered by:</p> <ul style="list-style-type: none"> <i>a. Seeing for oneself a deceased minor;</i> <i>b. Directly witnessing the death of a minor;</i> <i>c.. Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;</i> <i>d. Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;</i> <i>e. Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;</i> <i>f. Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;</i> <i>g. Directly witnessing a death, including suicide, that involved grievous bodily harm of a nature that shocks the conscience;</i>

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Variable: Triggering Events	
State	Provision
	<p><i>h. Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing as defined in 28 U.S.C. s. 530C, manslaughter, self-defense, misadventure, and negligence;</i></p> <p><i>i. Directly witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;</i></p> <p><i>j. Participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or</i></p> <p><i>k. Manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.</i></p>
Idaho	<p>PTSD injury caused by <i>an event or events arising out of and in the course of the first responder's employment.</i></p> <p>No compensation for injuries arising from a personnel-related action including but not limited to disciplinary action, changes in duty, job evaluation or employment termination.</p>
Maine	<p>Post-traumatic stress disorder that resulted from <i>work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder.</i></p> <p><i>A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action, taken in good faith by the employer.</i></p>
Minnesota	<p><i>...Is diagnosed with a mental impairment as defined in paragraph (d), and had not been diagnosed with the mental impairment previously, The mental impairment is not considered an occupational disease if it results from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer.</i></p>

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Variable: Triggering Events	
State	Provision
	A disease arises out of the employment only if there is a <i>direct causal connection between the conditions under which the work is performed and if the occupational disease follows as a natural incident of the work as a result of the exposure occasioned by the nature of the employment.</i>
Nevada	Employee must have directly witnessed: <i>(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or (2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience, or the employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident.</i>
Oregon	No specific incidents required.
Vermont	No specific incidents required. <i>The work-related event or work-related stress was extraordinary and unusual in comparison to pressures and tensions experienced by the average employee across all occupations; and</i> <i>(II) the work-related event or work-related stress, and not some other event or source of stress, was the predominant cause of the mental condition.</i> <i>(ii) A mental condition shall not be considered a personal injury by accident arising out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer.</i>
Washington	<i>Post-traumatic stress disorder for purposes of this subsection (2) is not considered an occupational disease if the disorder is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by an employer.</i>

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Variable: Ability to Rebut	
State	Provision
Connecticut	Employer may contest compensability on any grounds, as long as it does so within 180 days of receiving notice of the claim.
Florida	<i>Demonstrated by clear and convincing medical evidence.</i>
Idaho	<i>Clear and convincing evidence</i>
Maine	Rebutted by <i>clear and convincing evidence to the contrary.</i>
Minnesota	Rebutted by <i>substantial factors brought by the employer or insurer.</i>
Nevada	Appears not to have specific rebuttal provisions, except for termination and disciplinary action. Employee is required to prove injury <i>by clear and convincing medical or psychiatric evidence.</i>
Oregon	<i>An insurer or self-insured employer may rebut the presumption only by establishing through clear and convincing medical evidence that duties as a covered employee were not of real importance or great consequence in causing the diagnosed condition.</i>
Vermont	Compensable unless it is shown by a <i>preponderance of the evidence that the post-traumatic stress disorder was caused by non-service-connected risk factors or non-service-connected exposure.</i>
Washington	Appears to be silent on PTSD specifically. Other statutory presumptions rebutted by preponderance of the evidence that may include nonemployment activities.

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Variable: Public Safety Culture	
State	Provision
Connecticut	<p>Police officers are protected from discipline, discharge or discrimination because the officer seeks or receives mental health treatment or surrenders his/her weapon during treatment, as long as it isn't to avoid disciplinary action and the officer undergoes a fit-for-duty exam before returning to work.</p> <p>State agencies must develop <i>a model critical incident and peer support policy to support the mental health care and wellness</i> of first responders by 1/1/20 and public safety agencies must adopt a policy that meets or exceeds those standards by 7/1/20.</p> <p>Police academy, firefighter, and parole officer training must include resilience and self-care components.</p>
Florida	An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment.
Idaho	Appears to be silent.
Maine	Appears to be silent.
Minnesota	Appears to be silent.
Nevada	<i>An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.</i>
Oregon	SB 423 , effective 1/1/20, requires a pre-employment psychological screening for new law enforcement officers and those moving between departments. SB 424 , also effective 1/1/20, requires law enforcement agencies to establish a mental health wellness policy for <i>addressing issues related to the mental health wellness of law enforcement officers employed by the agency.</i>
Vermont	Appears to be silent.
Washington	Appears to be silent.

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Other Provisions	
State	Provision
Connecticut	A joint standing legislative committee must examine and report to the legislature by 2/1/20 about the feasibility of expanding PTSD benefits to emergency medical services personnel and corrections employees not covered by the existing act.
Maine	<i>By January 1, 2022, the (workers' compensation) board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters that includes an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.</i>
Washington	New law effective 6/28/19 created advisory committee on occupational disease presumptions to review scientific evidence and to make recommendations to the legislature on additional diseases or disorders for inclusion under the presumption section.

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