

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 197 entitled “An act relating to mental health parity for
4 workers’ compensation” respectfully reports that it has considered the same
5 and recommends that the report of the Committee on Health Care be amended
6 by striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 21 V.S.A. § 601 is amended to read:

9 § 601. DEFINITIONS

10 Unless the context otherwise requires, words and phrases used in this
11 chapter shall be construed as follows:

12 * * *

13 (11) “Personal injury by accident arising out of and in the course of
14 employment” includes an injury caused by the willful act of a third person
15 directed against an employee because of that employment.

16 * * *

17 (I)(i) In the case of police officers, rescue or ambulance workers, or
18 firefighters, post-traumatic stress disorder that is diagnosed by a mental health
19 professional shall be presumed to have been incurred during service in the line
20 of duty and shall be compensable, unless it is shown by a preponderance of the

1 evidence that the post-traumatic stress disorder was caused by nonservice-
2 connected risk factors or nonservice-connected exposure.

3 (ii) A police officer, rescue or ambulance worker, or firefighter
4 who is diagnosed with post-traumatic stress disorder within three years of the
5 last active date of employment as a police officer, rescue or ambulance worker,
6 or firefighter shall be eligible for benefits under this subdivision (11).

7 (iii) As used in this subdivision (11)(I):

8 (I) “Firefighter” means a firefighter as defined in 20 V.S.A.
9 § 3151(3) and (4).

10 (II) “Mental health professional” means a person with
11 professional training, experience, and demonstrated competence in the
12 treatment and diagnosis of mental conditions, who is certified or licensed by
13 this State to provide mental health care services and for whom diagnoses of
14 mental conditions are within his or her scope of practice, including a physician,
15 nurse with recognized psychiatric specialties, psychologist, clinical social
16 worker, mental health counselor, or alcohol or drug abuse counselor.

17 (III) “Police officer” means a law enforcement officer who has
18 been certified by the Vermont Criminal Justice Training Council pursuant to
19 20 V.S.A. chapter 151.

1 (IV) “Rescue or ambulance worker” means ambulance service,
2 emergency medical personnel, first responder service, and volunteer personnel
3 as defined in 24 V.S.A. § 2651.

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5 Sec. 2. EMERGENCY PERSONNEL POST-TRAUMATIC STRESS
6 DISORDER BENEFITS; STUDY COMMITTEE; REPORT

7 (a) Creation. There is created the Emergency Personnel Post-Traumatic
8 Stress Disorder Benefits Study Committee to study potential funding
9 mechanisms to alleviate the financial burden related to providing workers’
10 compensation coverage for police officers, rescue or ambulance workers, or
11 firefighters who are diagnosed with post-traumatic stress disorder.

12 (b) Membership. The Committee shall be composed of the following 13
13 members:

14 (1) the Commissioner of Labor or designee;

15 (2) the Commissioner of Financial Regulation or designee;

16 (3) the Commissioner of Public Safety or designee;

17 (4) the Executive Director of the Vermont League of Cities and Towns
18 or designee;

19 (5) the President of the Vermont Troopers Association or designee;

20 (6) the President of the Professional Firefighters of Vermont or
21 designee;

1 (7) the President of the Vermont Police Association or designee;

2 (8) the President of the Vermont State Firefighters' Association or
3 designee;

4 (10) the President of the Vermont Association of Chiefs of Police or
5 designee;

6 (11) a municipal fire chief appointed by the Governor;

7 (12) the President of the Vermont Ambulance Association or designee;
8 and

9 (13) a representative of workers' compensation insurers appointed by
10 the Governor.

11 (c) Powers and duties. The Committee shall study potential funding
12 mechanisms to alleviate the financial burden related to providing workers'
13 compensation coverage for police officers, rescue or ambulance workers, or
14 firefighters who are diagnosed with post-traumatic stress disorder, including
15 the following topics:

16 (1) the expected additional cost of providing workers' compensation
17 coverage for police officers, rescue or ambulance workers, or firefighters who
18 are diagnosed with post-traumatic stress disorder pursuant to 21 V.S.A.
19 § 601(11)(I);

20 (2) the creation of a trust fund to provide supplemental funding or
21 reimbursement for additional insurance costs; and

1 (3) the use of mechanisms such as annual legislative appropriations, a
2 dedicated surcharge on property and casualty insurance premiums, or taxes or
3 fees on certain goods or services to provide funding for workers' compensation
4 coverage for post-traumatic stress disorder pursuant to 21 V.S.A. § 601(11)(D).

5 (d) Assistance. The Committee shall have the administrative, technical,
6 and legal assistance of the Departments of Financial Regulation and of Labor.

7 (e) Report. On or before January 15, 2019, the Committee shall submit a
8 written report to the House Committees on Commerce and Economic
9 Development and on Ways and Means and the Senate Committee on Finance
10 with its findings and any recommendations for legislative action.

11 (f) Meetings.

12 (1) The Commissioner of Financial Regulation shall call the first
13 meeting of the Committee to occur on or before October 15, 2017.

14 (2) The Committee shall select a chair from among its members at the
15 first meeting.

16 (3) A majority of the membership shall constitute a quorum.

17 (4) The Committee shall cease to exist on February 1, 2019.

18 Sec. 3. MENTAL HEALTH PARITY IN WORKERS' COMPENSATION;

19 STUDY COMMITTEE; REPORT

20 (a) Creation. There is created the Mental Health Parity in Workers'
21 Compensation Study Committee to study how to ensure that mental conditions

1 arising out of and in the course of employment receive coverage and treatment
2 under Vermont’s workers’ compensation law that are equal to those for
3 physical injuries arising out of and in the course of employment.

4 (b) Membership. The Committee shall be composed of the following five
5 members:

6 (1) the Commissioner of Labor or designee;

7 (2) the Commissioner of Financial Regulation or designee;

8 (3) the Commissioner of Health or designee;

9 (4) a mental health professional appointed by the Governor; and

10 (5) a representative of workers’ compensation insurers appointed by the
11 Governor.

12 (c) Powers and duties. The Committee shall study how to ensure that
13 mental conditions arising out of and in the course of employment receive
14 coverage and treatment under Vermont’s workers’ compensation law that are
15 equal to those for physical injuries arising out of and in the course of
16 employment, including the following issues:

17 (1) the diagnosis of mental conditions;

18 (2) the appropriate test for determining if a mental condition is
19 compensable; and

1 (3) statutory and regulatory changes that may be necessary to ensure that
2 mental health conditions receive equal coverage and treatment for purposes of
3 workers' compensation.

4 (d) Assistance. The Committee shall have the administrative, technical,
5 and legal assistance of the Departments of Labor and of Financial Regulation.

6 (e) Report. On or before January 15, 2018, the Committee shall submit a
7 written report to the House Committee on Commerce and Economic
8 Development and the Senate Committee on Finance with its findings and any
9 recommendations for legislative action.

10 (f) Meetings.

11 (1) The Commissioner of Labor shall call the first meeting of the
12 Committee to occur on or before September 15, 2017.

13 (2) The Committee shall select a chair from among its members at the
14 first meeting.

15 (3) A majority of the membership shall constitute a quorum.

16 (4) The Committee shall cease to exist on January 15, 2018.

17 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on July 1, 2017.

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4 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE