

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred Senate Bill No. 56  
3 entitled “An act relating to life insurance policies and the Vermont Uniform  
4 Securities Act” respectfully reports that it has considered the same and  
5 recommends that the Senate concur in the House proposal of amendment with  
6 the following proposal of amendment thereto: By striking out Sec. 23 and Sec.  
7 24 and the accompanying reader assistance (unemployment compensation) in  
8 their entirety and by inserting in lieu thereof a new Sec. 23 and a new Sec. 24  
9 to read as follows:

10 Sec. 23. 21 V.S.A. § 601 is amended to read:

11 § 601. DEFINITIONS

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

14 \* \* \*

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

18 \* \* \*

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

1 of duty and shall be compensable, unless it is shown by a preponderance of the  
2 evidence that the post-traumatic stress disorder was caused by nonservice-  
3 connected risk factors or nonservice-connected exposure.

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

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

9 (I) “Firefighter” means a firefighter as defined in 20 V.S.A.  
10 § 3151(3) and (4).

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

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

4                    (J)(i) A mental condition resulting from a work-related event or  
5                    work-related stress shall be considered a personal injury by accident arising out  
6                    of and in the course of employment and be compensable if it is demonstrated  
7                    by the preponderance of the evidence that:

8                    (I) the work-related event or work-related stress was  
9                    extraordinary and unusual in comparison to pressures and tensions experienced  
10                    by the average employee across all occupations; and

11                    (II) the work-related event or work-related stress, and not some  
12                    other event or source of stress, was the predominant cause of the mental  
13                    condition.

14                    (ii) A mental condition shall not be considered a personal injury  
15                    by accident arising out of and in the course of employment if it results from  
16                    any disciplinary action, work evaluation, job transfer, layoff, demotion,  
17                    termination, or similar action taken in good faith by the employer.

18                    \* \* \*

19                    Sec. 24. EMERGENCY PERSONNEL POST-TRAUMATIC STRESS

20                    DISORDER; STUDY OF EXPERIENCE AND COSTS; REPORT

1           (a) The Commissioner of Labor, in consultation with the Secretary of  
2           Administration, the Commissioner of Financial Regulation, the Vermont  
3           League of Cities and Towns, and the National Council on Compensation  
4           Insurance, shall examine claims for workers' compensation made pursuant to  
5           21 V.S.A. § 601(11)(I) and (J) between July 1, 2017 and January 1, 2020,  
6           including:

- 7                   (1) the number of claims made;  
8                   (2) the cost of the workers compensation benefits provided for those  
9                   claims; and  
10                  (3) any changes in administrative and premium costs associated with  
11                  those claims.

12           (b) On or before January 15 of each year from 2018 through 2020, the  
13           Commissioner shall report to the House Committees on Appropriations, on  
14           Commerce and Economic Development, and on Health Care, and the Senate  
15           Committees on Appropriations, on Finance, and on Health and Welfare  
16           regarding its findings and any recommendations for legislative changes.

17

18           (Committee vote: \_\_\_\_\_)

19

\_\_\_\_\_

20

Senator \_\_\_\_\_

21

FOR THE COMMITTEE