

1 TO THE HOUSE OF REPRESENTATIVES:

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

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

8 § 601. DEFINITIONS

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

11 \* \* \*

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

15 \* \* \*

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

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

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

6                    (I) “Firefighter” means a firefighter as defined in 20 V.S.A.  
7                    § 3151(3) and (4).

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

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

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

21                    \* \* \*

1           (23) “Occupational disease” means a disease that results from causes  
2           and conditions characteristic of and peculiar to a particular trade, occupation,  
3           process, or employment, and to which an employee is not ordinarily subjected  
4           or exposed outside or away from the employment, and that arises out of and in  
5           the course of the employment. The term “occupational disease” shall include a  
6           mental condition as defined in 8 V.S.A. § 4089b, whether sudden or gradual in  
7           onset, that requires medical or psychiatric services or that results in physical or  
8           psychiatric disability or death.

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10           Sec. 2. EFFECTIVE DATE

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

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

\_\_\_\_\_  
Representative \_\_\_\_\_  
FOR THE COMMITTEE