



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

A research study conducted by the National Council on Compensation Insurance (NCCI) finds that **all 50** states and the District of Columbia specifically address compensability for mental injuries,¹ either by statute, regulation, and/or case law

Highlights of the study include the following:

- **Compensability for Mental-Mental Injuries: 27 jurisdictions** (AK, AZ, CA, CO, DC, HI, IL, LA, MA, MD, ME, MI, MN, MO, NC, NH, NM, NV, NY, OR, RI, SC, TN, UT, VA, WA, and WI) contain statutory language expressly **allowing compensation for nonphysical mental (mental-mental) injuries** or stress under limited circumstances²
- **Mental-Mental and Mental-Physical Exclusions:** Montana is the only state that specifically **denies compensability for both “mental-physical” and “mental-mental” injuries**
- **Personnel Actions: 21 states** (AK, CA, CO, CT, HI, ID, MA, ME, MN, MO, NE, NH, NM, NV, NY, OR, SC, TN, TX, UT, and WA) **specify that stress arising out of personnel actions is not compensable**
- **Diagnosis for Mental Compensation: 10 states** (AR, CO, FL, ID, LA, MN, OK, SC, WA, and WY) **require psychological diagnosis for compensable mental injuries**
- **American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM): 8 states** (AR, CA, FL, ID, LA, MN, OK, and WY) **require the use of the DSM** in diagnosing mental injuries

Note: An “N/A” entry in the following chart indicates that our research did not result in finding a response for that particular column’s topic. To view the endnotes referenced in the table, double-click the number or place your cursor over the number.



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
AL	Mental disorder or mental injury	No	Proximate cause	N/A	N/A	N/A	N/A
AK	Mental injuries caused by mental stress	Yes	Predominant cause	N/A	N/A	Extraordinary and unusual	Good faith disciplinary actions, work evaluation, job transfer, layoff, demotion, termination, or similar action
AR	Mental injury or illness	No ⁴	Preponderance of evidence	Licensed psychiatrist or psychologist	Yes, most current edition	N/A	N/A
AZ	Mental, emotional, psychotic, or neurotic injury, illness, or condition	Yes	Substantial contributing cause	N/A	N/A	Unexpected, unusual, or extraordinary	Mental injury that was not unexpected or unusual, or extraordinary stress related to employment
CA	Psychiatric injury or mental disorder	Yes	Preponderance of evidence ⁵	N/A	Yes, 3rd Edition ⁶	N/A	No compensation paid for injury substantially caused by lawful, nondiscriminatory, good faith personnel action or, with exceptions, claims filed after notice of termination or layoff and the claim is for an injury occurring prior to the time of notice of



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
							termination or layoff
CO	Mental impairment	Yes ⁷	Competent evidence ⁸	Licensed physician or psychologist ⁹	N/A	N/A	Good faith personnel actions ¹⁰ ; claims based upon circumstances or facts common to all fields of employments; other ¹¹
CT	Mental or emotional impairment	No ¹²	Police officer for mental-mental injury: police officer's reasonable belief ¹³	Firefighters for mental-mental injury: licensed and board-certified mental health professional	No	N/A	Personnel actions
DE	Mental injury or mental disorder	Yes ¹⁴	Objective evidence	N/A	No	Real	N/A
DC	Mental condition or mental incapacity	Yes ¹⁵	N/A	N/A	No	N/A	N/A
FL	Mental or nervous injuries	No	Clear and convincing medical evidence ¹⁶	Licensed psychiatrist	Yes, most recent edition	N/A	Mental, psychological, or emotional injury arising out of depression from being out of work or losing employment opportunities, resulting from a preexisting mental, psychological, or emotional condition or due to pain or other subjective complaints that cannot be



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
							substantiated by objective, relevant medical findings
GA	Psychological injuries or psychiatric and psychological problems	No ¹⁷	N/A	N/A	No	N/A	N/A
HI	Mental stress or loss of mental function	Yes	N/A	N/A	No	N/A	Mental stress resulting solely from a good faith disciplinary action ¹⁸
IA	Mental injury ¹⁹	Yes ²⁰	N/A	N/A	N/A	N/A	N/A
ID	Psychological injuries, disorders, or conditions; psychological mishap or event	No	Injury exists in real and objective sense; clear and convincing evidence injury arose out of, and in course of, employment	Licensed psychologist or psychiatrist	Yes, 3rd Edition Revised or any successor manual	Sudden and extraordinary	Injuries arising from conditions generally inherent in every working situation or not the product of a sudden and extraordinary event; personnel-related action
IL	Emotional shock; mental disorder	Yes ²¹	Emotional shock traceable to a definite time, place, and cause	N/A	N/A	Severe and sudden	Injuries arising from day-to-day emotional strain and tension; where employment conditions were not the major contributing cause of the injury
IN	Psychological or mental stress	Yes ²²	N/A	N/A	N/A	N/A	N/A



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
	injuries						
KS	Mental disorder or injury ²³	No	N/A	N/A	N/A	N/A	N/A
KY	Psychological, psychiatric, or stress-related change	No	N/A	N/A	N/A	N/A	N/A
LA	Mental injury	Yes	Clear and convincing evidence	Licensed psychologist or psychiatrist	Yes, most current edition	Sudden, unexpected, and extraordinary	N/A
MA	Mental or emotional disabilities	Yes	N/A	N/A	N/A	N/A	Bona fide personnel action where emotional harm is unintentionally inflicted
MD	Psychological injury	Yes ²⁴	N/A	N/A	N/A	N/A	N/A
ME	Mental injury	Yes	Clear and convincing evidence	N/A	N/A	Extraordinary and unusual	Good faith disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action
MI	Mental disabilities	Yes	Reasonably grounded in fact or reality	N/A	N/A	N/A	Mental disabilities arising out of unfounded perceptions of events of employment
MN	Mental impairment ²⁵	Yes	N/A	Licensed psychiatrist or psychologist	Yes, most recently	N/A	Ordinary diseases of life to which the general



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
					published edition		public is equally exposed outside of employment; good faith disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or similar action
MO	Mental injury or psychological stress ²⁶	Yes	N/A	N/A	N/A	Extraordinary and unusual	Good faith disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action
MS	Mental or emotional injury	Yes ²⁷	Mental-mental injury: clear and convincing	N/A	N/A	N/A	Injuries resulting from "ordinary incidents of employment" and there was no "untoward event or unusual occurrence" that contributed to the injury
MT	None	No	N/A	N/A	N/A	N/A	N/A
NC	Psychological injury	Yes ²⁸	N/A	N/A	N/A	N/A	N/A
ND	Mental or	No	Reasonable	N/A	N/A	Unusual stress is at	When the physical



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
	psychological conditions		medical certainty			least 50% of cause of injury or disease, as compared with all other contributing causes combined	injury is determined to be less than 50% of cause of condition, as compared with all other contributing causes combined, and the condition preexisted the work injury
NE	Mental injuries and mental illness ²⁹	No ³⁰	Preponderance of evidence ³¹	N/A	N/A	N/A	Events incidental to normal employer and employee relations, including personnel actions
NH	Mental injury, stress	Yes ³²	N/A	N/A	N/A	N/A	Any good faith disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or any similar action
NJ	Psychological illness	Yes ³³	N/A	N/A	N/A	N/A	Not stress typical of any work ³⁴
NM	Mental illness	Yes	N/A	N/A	N/A	Mental-mental only: psychologically traumatic event	Disciplinary, corrective, or job evaluation action or cessation of the worker's employment
NV	Mental injury, stress	Yes	Clear and convincing medical or psychiatric	N/A	N/A	Extreme stress in times of danger	Any ailment, disorder, death, or disability



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
			evidence				caused by any gradual mental stimulus; personnel action ³⁵
NY	Work-related stress	Yes	N/A	N/A	N/A	N/A	Lawful, good faith personnel decision involving a disciplinary action, work evaluation, job transfer, demotion, or termination
NC	Psychological injury	Yes ³⁶	N/A	N/A	N/A	N/A	N/A
ND	Mental or psychological conditions	No	Reasonable medical certainty	N/A	N/A	Unusual stress is at least 50% of cause of injury or disease, as compared with all other contributing causes combined	When the physical injury is determined to be less than 50% of cause of condition, as compared with all other contributing causes combined, and the condition preexisted the work injury
OH	Psychiatric conditions	No ³⁷	N/A	N/A	N/A	N/A	N/A
OK	Mental injury or illness	No ³⁸	Preponderance of the evidence	Licensed psychiatrist or psychologist	Yes, most current issue	N/A	N/A
OR	Mental emotional disorder	Yes	Clear and convincing evidence	N/A	N/A	N/A	See footnote ³⁹
PA	Mental disability	Yes ⁴⁰	Sufficient, competent, and credible evidence	N/A	N/A	N/A	N/A
RI	Mental injuries	Yes	Identifiable	N/A	N/A	Emotional stress	Day-to-day emotional



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
						resulting from a situation of greater dimensions than the day-to-day emotional strain and tension that all employees encounter daily	strain that all employees encounter without sustaining serious mental injuries
SC	Stress, mental illness, or injury	Yes	Preponderance of the evidence, medical evidence	Authorized psychologist or psychiatrist ⁴¹	N/A	Extraordinary and unusual	See footnote ⁴²
SD	Psychological, psychiatric, or emotional condition	No	Clear and convincing evidence	N/A	N/A	N/A	N/A
TN	Mental injury, loss of mental faculties, or a mental or behavioral disorder	Yes	Identifiable	N/A	N/A	Sudden or unusual stimulus	Loss of employment or employment opportunities
TX	Mental or emotional injury	No	N/A	N/A	N/A	N/A	Legitimate personnel action
UT	Mental or emotional injury, mental stress	Yes	Preponderance of the evidence	NA	N/A	Extraordinary and sudden	Good faith personnel actions, alleged discrimination, harassment, or unfair labor practices
VA	Psychological injury ⁴³	Yes ⁴⁴	N/A	N/A	N/A	Traumatic stressor; see footnote	N/A
VT	Mental injury ⁴⁵	Yes ⁴⁶	N/A	N/A	N/A	Significantly greater dimension than	N/A



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

State	Compensable Mental Injury	Coverage of Mental Injury When No Physical Injury	Degree of Evidence Required in Burden of Proof	Who Must Diagnose or Offer Evidence of Mental Injury?	Must Meet Criteria of DSM ³	Degree of Mental Stress Required	Exclusions
						daily stresses encountered by all employees ⁴⁷	
WA	Mental conditions, mental disabilities, mental illness	Yes ⁴⁸	N/A	Licensed health- care professional with appropriate training and experience ⁴⁹	N/A	N/A	See footnote ⁴⁸
WI	Mental harm	Yes	Identifiable	N/A	N/A	Greater dimensions than the day-to-day emotional strain and tension that all employees must experience ⁵⁰	N/A
WV	Psychiatric impairment	No	Reasonable medical probability	N/A	See footnote ⁵¹	N/A	N/A
WY	Mental injuries	No	Clear and convincing evidence	Licensed psychiatrist or clinical psychologist	Yes, most recent edition	N/A	N/A



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

¹ For purposes of this paper, reference to mental “injuries” also includes mental impairments or disorders that are “occupational diseases.” DC and KS workers’ compensation laws do not expressly provide for compensation of mental injuries, but they do reference mental conditions and/or mental providers.

² Compensable mental-mental injuries must typically be considered **extraordinary** and **the predominate** or **substantial contributing cause**.

³ The *DSM* is the American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders*. As described by its publisher, it is the “standard” classification of mental disorders used by mental health professionals in the United States.” The 5th Edition is the most current version.

⁴ Physical injury is not required to victims of violent crimes. Ark. Stat. 11-9-113

⁵ If injuries resulting in an employee being victim of a violent act or from direct exposure to significant violent act, employee must demonstrate that actual events of employment were substantial cause (35% to 40% of causation from all sources combined). Cal. Labor Code 3208.3

⁶ Or the terminology and diagnostic criteria of other psychiatric diagnostic manuals generally approved and accepted nationally by practitioners in the field of psychiatric medicine.

⁷ The mental impairment that is the basis of the claim shall have arisen primarily from the claimant's then occupation and place of employment in order to be compensable.

⁸ "Accident," "injury," and "occupational disease" shall not be construed to include disability or death caused by or resulting from mental or emotional stress unless it is shown by competent evidence that such mental or emotional stress is proximately caused solely by hazards to which the worker would not have been equally exposed outside the employment. Colo. Stat. 8-41-302(1)



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

⁹ Although who can diagnose the mental impairment is not stated, testimony from a licensed physician or psychologist is required to prove a medical impairment exists. Colo. Stat. 8-41-301(2)(a)

¹⁰ A mental impairment shall not be considered to arise out of and in the course of employment if it results from a disciplinary action, work evaluation, job transfer, lay-off, demotion, promotion, termination, retirement, or similar action taken in good faith by the employer.

¹¹ The mental impairment that is the basis of the claim must be, in and of itself, either sufficient to render the employee temporarily or permanently disabled from pursuing the occupation from which the claim arose or require medical or psychological treatment.

¹² Physical injury not required if mental or emotional impairment arises from occupational disease or, in the case of a police officer, arises from such police officer's use of deadly force or subjection to deadly force in the line of duty, regardless of whether such police officer is physically injured, provided such police officer is the subject of an attempt by another person to cause serious physical injury or death through the use of deadly force, and such police officer reasonably believes such police officer to be the subject of such an attempt, or (III) in the case of a firefighter, is diagnosed with post-traumatic stress disorder by a licensed and board-certified mental health professional, determined by such professional to be originating from the firefighter witnessing the death of another firefighter while engaged in the line of duty and not subject to any other exclusion in this section. Conn. Stat. 31-275('6)(B)(ii)

¹³ Police officer reasonably believes such police officer is the subject of an attempt by another person to cause serious physical injury or death through the use of deadly force.

¹⁴ "In order to be compensated for a mental injury in the absence of a specific and identifiable industrial accident (i.e., a mental injury which is gradually caused by stress), a claimant must offer evidence demonstrating objectively that work conditions were actually stressful and that such conditions were a substantial cause of claimant's mental disorder; the stress causing the injury need not be unusual or extraordinary but it must be real and proved by objective evidence." *State v. Cephas*, 637 A.2d 20, 27-28 (Del. 1994)

¹⁵ See DC Code 32-1501: "Physical impairment" means any physical or mental condition which is or is likely to be a hindrance or obstacle to obtaining employment.

¹⁶ The compensable physical injury must be and remain the major contributing cause of the mental or nervous condition, and the compensable physical injury as determined by reasonable medical certainty must be at least 50 %responsible for the mental or nervous condition as compared to all other contributing causes combined.

¹⁷ Purely psychological injuries are not compensable. See *Abernathy v. City of Albany*, 495 S.E.2d 13 (Ga. 1998)

¹⁸ Provided that if a collective bargaining agreement or other employment agreement specifies a different standard than good faith for disciplinary actions, the standards set in the collective bargaining agreement, or other employment agreement, shall be applied in lieu of the good faith standard.

¹⁹ *Dunlavy v. Economy Fire and Cas. Co.*, 526 N.W.2d 845 (IA 1995) and *Brown v. Quik Trip Corp.*, 641 N.W.2d 725 (IA 2002)

²⁰ Ibid.



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

²¹ Mental injuries without physical trauma or injury are compensable if the employee suffers a sudden, severe emotional shock traceable to a definite time, place, and cause see *Pathfinder Co. v. Industrial Commission*, 62 Ill. 2d 556 (Ill. 1976). Recovery for nonphysical mental disorders based on stress is limited to employees who can establish that the mental disorder arose in a situation of greater dimensions than the day-to-day emotional strain and tension that all employees must experience; the conditions exist in reality, from an objective standpoint, and the employment conditions were the major contributing cause of the mental disorder. See *Chicago Board of Education v. Industrial Commission*, 169 Ill. App. 3d 459 (Ill. App. Ct. 1st Dist. 1988), *City of Springfield v. Industrial Commission*, 214 Ill. App. 3d 301 (Ill. App. Ct. 4th Dist. 1991) and *Runion v. Industrial Commission* 245 Ill. App. 3d 470 (Ill. App. Ct. 5th Dist. 1993).

²² *Hansen v. Von Duprin, Inc.*, 507 N.E.2d 573 (IN 1987)

²³ *Followill v. Emerson Electric Co.*, 234 Kans. 791 (KS 1984); Kans. Statute 44-508(f) (1) "Personal injury" and "injury" mean any lesion or change in the physical structure of the body, causing damage or harm thereto. Personal injury or injury may occur only by accident, repetitive trauma, or occupational disease as those terms are defined.

²⁴ Per case law, these types of benefits are allowed to some extent. For example, a psychological injury due to witnessing a violent act in the workplace may be considered compensable.

²⁵ Mental impairment is defined as post-traumatic stress disorder (PTSD). Minn. Stat. 176.011

²⁶ Psychological stress recognized as occupational disease for firefighters of a paid fire department or paid peace officers of a police department who are certified under chapter 590 if a direct causal relationship is established.

²⁷ *Smith and Sanders, Inc. v. Peery*, 473 So. 2d 423, 425 (Miss. 1985) Note that a higher standard of evidence is required (clear and convincing) for a mental- mental injury to be compensable.

²⁸ Case law provides that such claims may be compensable if the condition is a result of a "psychological" accident, i.e., an unlooked for, untoward event of employment that causes a psychological injury to employee.

²⁹ Mental injuries (of any kind) are only compensable for first responders. Neb. Stat. 48-101.01 and 48-151.

³⁰ Ibid.

³¹ Must establish, by a preponderance of the evidence, that the employee's employment conditions causing the mental injury or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment; and establish, by a preponderance of the evidence, the medical causation between the mental injury or mental illness and the employment conditions by medical evidence.

³² The definition of "injury" or "personal injury" does not include diseases or death resulting from stress without physical manifestation.

³³ *Goyden v. State of New Jersey*, 128 N.J. 54 (NJ 1992)

³⁴ Ibid.



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

³⁵ Stress caused by layoff, termination of employment, or any disciplinary action taken.

³⁶ Case law provides that such claims may be compensable if the condition is a result of a “psychological” accident, i.e., an unlooked for, untoward event of employment that causes a psychological injury to employee.

³⁷ Sustaining an injury or occupational disease is not required where the claimant's psychiatric conditions have arisen from sexual conduct in which the claimant was forced by threat of physical harm to engage or participate.

³⁸ The physical injury limitation does not apply to any victim of a crime of violence. 85A O.S. Supp. 2014 Sec. 13

³⁹ To be compensable, worker must establish all of the following: (a) The employment conditions producing the mental disorder exist in a real and objective sense; (b) The employment conditions producing the mental disorder are conditions other than conditions generally inherent in every working situation or reasonable disciplinary, corrective, or job performance evaluation actions by the employer or cessation of employment or employment decisions attendant upon ordinary business or financial cycles; (c) There is a diagnosis of a mental or emotional disorder that is generally recognized in the medical or psychological community.

⁴⁰ *Leo v. Workmen's Compensation Appeal Bd. (Charleroi)*, 114 Pa. Commw. 6 (Pa. Commw. Ct. 1988)

⁴¹ Evaluation by authorized psychologist or psychologist only required to establish that stress, mental injury, or illness was aggravated by work-related physical injury. S.C. Code 42-1-160

⁴² (A) Stress, mental injuries, and mental illness arising out of and in the course of employment unaccompanied by physical injury and resulting in mental illness or injury are not considered a personal injury unless the employee establishes, by a preponderance of the evidence:

(1) The employee's employment conditions causing the stress, mental injury, or mental illness were extraordinary and unusual in comparison to the normal conditions of the particular employment

(2) The medical causation between the stress, mental injury, or mental illness, and the stressful employment conditions by medical evidence

(B) Stress, mental injuries, heart attacks, strokes, embolisms, or aneurisms arising out of and in the course of employment unaccompanied by physical injury are not considered compensable if they result from any event or series of events that are incidental to normal employer/employee relations including, but not limited to, personnel actions by the employer such as disciplinary actions, work evaluations, transfers, promotions, demotions, salary reviews, or terminations, except when these actions are taken in an extraordinary and unusual manner.

(C) Stress, mental injuries, and mental illness alleged to have been aggravated by a work-related physical injury may not be found compensable unless the aggravation is:

(1) Admitted by the employer/carrier

(2) Noted in a medical record of an authorized physician that, in the physician's opinion, the condition is at least in part causally related or connected to the injury or accident, whether or not the physician refers the employee for treatment of the condition

(3) Found to be causally related or connected to the accident or injury after evaluation by an authorized psychologist or psychiatrist

(4) Noted in a medical record or report of the employee's physician as causally related or connected to the injury or accident

⁴³ *Anthony v. Fairfax Cnty. Dep't of Family Servs.*, 548 S.E.2d 273, 276 (VA Ct. App. 2001)



COMPENSABILITY FOR WORKERS COMPENSATION MENTAL INJURIES

⁴⁴ To be compensable, a purely psychological injury without a physical injury must be causally related to a sudden fright or shock arising in the course of employment. *Anthony v. Fairfax Cnty. Dep't of Family Servs.*, 548 S.E.2d 273, 276 (VA Ct. App. 2001) In this case, although frightening and unpleasant, the claimant's psychological injury was not compensable because it did not reach the threshold of a traumatic stressor associated with PTSD.

⁴⁵ *Bedini v. Frost*, 165 Vt. 167 (VT 1996)

⁴⁶ The statutes do not limit compensable injuries to ones requiring a physical injury.

⁴⁷ *Bedini v. Frost*, 165 Vt. 167 (VT 1996)

⁴⁸ Examples of mental conditions or mental disabilities caused by stress that do not fall within occupational disease shall include, but are not limited to, those conditions and disabilities resulting from (a) change of employment duties; (b) conflicts with a supervisor; (c) actual or perceived threat of loss of a job, demotion, or disciplinary action; (d) relationships with supervisors, coworkers, or the public; (e) specific or general job dissatisfaction; (f) workload pressures; (g) subjective perceptions of employment conditions or environment; (h) loss of job or demotion for whatever reason; (i) fear of exposure to chemicals, radiation biohazards, or other perceived hazards; (j) objective or subjective stresses of employment; (k) personnel decisions; (l) actual, perceived, or anticipated financial reversals or difficulties occurring to the businesses of self-employed individuals or corporate officers. (WAC 296-14-300[1])

⁴⁹ Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed healthcare professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related. (WAC 296-27-0113)

⁵⁰ *School District No. 1 v. ILHR Dept.*, 62 Wis. 2d 370, 377-78 (WI 1974)

⁵¹ Examiners are expected to adhere to professional standards of competent practice established by state licensing boards, national certifying organizations, professional associations, and rules and regulations of the West Virginia WC Guidelines for Psychiatric Impairment. (Rule §85-22-5)

© 2017 National Council on Compensation Insurance (NCCI) Inc., All Rights Reserved

This product is furnished "As Is" "With All Defects" and includes information available at the time of publication only. NCCI makes no representations or warranties relating to this product of any kind and expressly disclaims any and all express, statutory, or implied warranties including the implied warranty of merchantability, fitness for a particular purpose, completeness or currentness. Additionally, you assume all responsibility for the use of, and for any and all results derived or obtained through, the product. No employee or agent of NCCI or its affiliates is authorized to make any warranties of any kind regarding this product. Any and all results, conclusions, analyses, or decisions developed or derived from, on account of, or through your use of the product are yours, and NCCI does not endorse, approve, or otherwise acquiesce in your actions, results, analyses, or decisions, nor shall NCCI have any liability thereto.