

POST TRAUMATIC STRESS INJURY (PTSI) AND WORKERS' COMP:

Know the Facts About the Act

Public Act No. 23-35 expands Workers' Compensation coverage for PTSI to all employees.

August 2023



Post Traumatic Stress Injury (PTSI) and CT Workers' Compensation: Know the Facts About the Act

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This publication is intended for general purposes only and is not intended to provide legal advice. If you have questions about particular legal issues or about the application of the law specific factual situations, CIRMA strongly recommends that you consult your attorney.

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Introduction

For over 40 years, CIRMA has championed Connecticut municipalities in understanding and managing evolving risks with confidence. The unfortunate reality is that risk cannot always be avoided. Another unfortunate reality is that employees of all roles and responsibilities can potentially bear witness to traumatic events while at work—events that can have a significant long-term impact on their physical and mental well-being.

What's Changed?

Effective January 1, 2024, Public Act No. 23-35 will expand benefits for **post-traumatic stress injuries (PTSI)** to **all** employees who qualify—these benefits were historically reserved for police officers, paid and volunteer firefighters, dispatchers, and parole officers. The information contained in this resource provides the latest developments related to PTSIs and how to implement practical yet effective best practices to help support your employees who have experienced traumatic events.

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**Public Act No. 23-35 is
effective January 1, 2024**
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Important Terms

Post-Traumatic Stress Injury (PTSI) an injury that meets the diagnostic criteria for post-traumatic stress disorder as specified in the most recent edition of the American Psychiatric Association's "Diagnostic and Statistical Manual of Mental Disorders".

Since 1980, Post-Traumatic Stress Disorder (PTSD) has been an accepted diagnosis described as "A psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event" (APA, 2020, para. 1). PTSD refers to a disorder while PTSI refers to a biological injury after experiencing or witnessing a terrifying event that creates a nervous system division (Global, 2015).

PTSI

Important Terms - continued

No-Fault Insurance System - A no-fault insurance system, such as Workers' Compensation, works by paying claims regardless of who is to blame for an accident. This means that the insurance pays Workers' Compensation benefits no matter who is found to be at fault for the accident that resulted in the employees' injuries.

Connecticut's Workers' Compensation system is a no-fault system of benefits, including both medical and wage replacement benefits, that are provided as a result of injuries arising out of and in the course of employment.

Mental/Mental Claim - A claim based on a mental injury caused purely by mental stress unaccompanied by any physical trauma or impact.

Compensable - For a claim to be covered (compensable) it must fall under the guidelines of Connecticut Workers' Compensation Act. Compensability is determined by the insurance provider, or in some cases the Connecticut Workers' Compensation Commission.



Many states have presumption laws. The purpose of presumption laws is to shift the burden of proof on medical causation so that the disease is presumed to be work-related unless rebutted by the weight of the evidence. Overcoming the presumption of compensability is very difficult as you have to prove that exposures outside of work are the cause of the disease.

Public Act No. 23-35 is not a presumption law. Injured employees claiming a PTSI must provide medical causation.



Current Legislation and History

Mental/Emotional Impairment Claims

The Workers' Compensation Act, mental/mental claims, PTSD, and PTSI:

- **Before June 30, 1993**, mental/mental Workers' Compensation claims were compensable.

- **Effective July 1, 1993**, coverage for mental/mental Workers' Compensation claims was eliminated.
- **On July 1, 2012**, medical coverage by a psychologist or psychiatrist for police officers and firefighters who suffer mental or emotional impairment was added back to the Connecticut Workers' Compensation Act. However, this coverage was limited to only two qualifying events:
 1. Police officer exposure must have arisen from the use of deadly force or subjection to deadly force in the line of duty;
 2. Firefighter exposure must have arisen from witnessing the death of another firefighter while engaged in the line of duty, and was subsequently diagnosed with PTSD.
- **On July 1, 2019**, the law was expanded to provide coverage for Police Officers, Firefighters and Ambulance workers who are diagnosed with PTSD.
- **On July 1, 2022**, the law was expanded to provide coverage for dispatchers.
- **On January 1, 2024**, Public Act No. 23-35 will expand benefits for PTSI to all employees who qualify under the state statutes.

Public Act No. 23-35 (Effective January 1, 2024)

Who is Eligible?

- All employees

When is PTSI Covered Under Workers' Compensation?

1. The employee must be acting within the course and scope of their employment.
2. The PTSI must not result from disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement or similar action.
3. The employee must have been subjected to a qualifying event.

Examples of Qualifying Events

For the PTSI claim to be compensable, it must be the result of a qualifying event. The following qualifying events are outlined in Section Two of the Act:

1. An employee views a deceased minor.

2. An employee witnesses the death of a person or an incident involving the death of a person.
3. An employee 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.
4. An employee 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.
5. An employee 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.
6. An employee 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.

What Workers' Compensation Benefits are Available?

1. Medical treatment as prescribed by a board-certified psychiatrist or a licensed psychologist.
2. Wage replacement (temporary total disability or temporary partial disability) for a maximum of 52 weeks from the date of diagnosis.
3. Wage replacement is capped so the injured employee cannot receive a weekly benefit more than their weekly wage when combined with other benefits such as contributory and non-contributory retirement, short-term disability, long-term disability or social security.
4. The injured employee is not eligible for any benefits beyond four years from the date of the qualifying event.

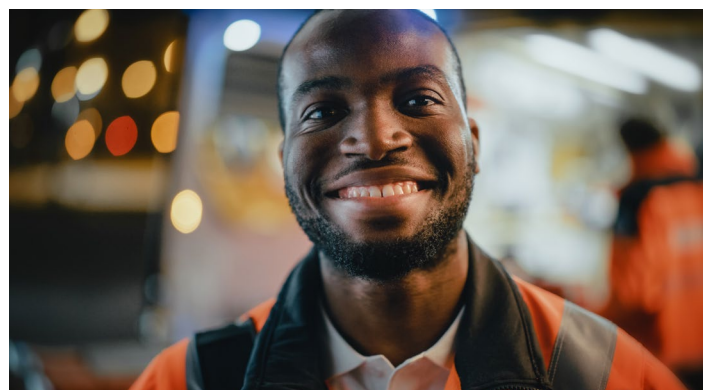
Reporting PTSI Workers' Compensation Claims

- Any new claim made by an employee should be reported immediately to CIRMA. *Report a claim to CIRMA early, even if there has not yet been a diagnosis determined by a medical professional.*
- Any employee who reports a PTSI claim should seek immediate treatment with a board-certified psychiatrist or a licensed psychologist.

Access to Quality, Timely Care

- CIRMA provides its members and their injured employees a robust Preferred Provider Network through Coventry Integrated Network®, an expansive and specially-curated network of medical providers available to treat employees' work-related injuries and illnesses, including PTSI, successfully.
- A network database of CIRMA's preferred providers, including board-certified mental health professionals, can be located at [CIRMAclaim.org](https://www.cirmaclaim.org).

NOTE: *If an employer does not have an approved medical care plan, injured employees may treat with any board-certified psychiatrist or a licensed psychologist.*



Best Practices

1. Develop an Effective Risk Management Program

- Ensure senior leadership supports mental health wellness in the workplace.
- Develop a communication plan to ensure employees understand their rights and responsibilities and organizational programs, policies, and resources.
- Support a culture change if needed.

2. Develop Tailored Strategies, Programs, and Policies

- Implement anti-stigma awareness campaigns to help employees feel comfortable seeking support. An effective anti-stigma campaign should feature components targeting all levels of the organization (management, supervisors, HR, and employees).
- Establish and implement a peer support program.

3. Introduce Education and Training

- Develop resiliency training and sensitivity programs.
 - Increase employee knowledge and understanding of mental health.
- Conversations about mental health should be made the norm.
- Supervisors should be especially alert for warning signs that include changes in behavior, attitude, or performance.

4. Seek Early Intervention and Treatment

- Early intervention is key.
 - Develop an early intervention plan.
 - Facilitate immediate care when an employee is exposed to trauma.
 - Do not ignore stressful situations.
- Recognize the signs and symptoms of mental health issues early.
 - Occasionally, various behaviors may raise concerns of instability, physical danger to themselves and/or to others, or ineffective in discharging responsibilities. Such behavior may occur at work or at home and may manifest in such ways as:
 - > Domestic violence
 - > Excessive force
 - > Lack of alertness
 - > Substance abuse
- Create in-house peer support programs.
- Provide peer support services to families.
- Incorporate critical incident stress debriefing.
- Ensure return-to-work plans are flexible and collaborative.
- Maintain privacy and confidentiality.

For more information about implementing best practices, contact your CIRMA Risk Management professional.

Frequently Asked Questions

1. When should an employee seek treatment after a qualifying event?

- Mental health professionals believe early intervention is the key to a successful outcome. CIRMA recommends immediate care with a board-certified psychiatrist or licensed psychologist.

2. How do I file a claim when an employee has had a qualifying event?

- Claims should be reported as soon as possible at [CIRMAclaim.org](https://www.cirmaclaim.org).

3. What should I do if I receive a Form 30C?

- Please refer to CIRMA's whitepaper regarding Public Act No. 16-112 (September 2016), which specifically addresses the handling of all Form 30Cs.

4. How can I or my injured employee find a mental health professional?

- A network database of medical providers, including mental health professionals, can be located at [CIRMAclaim.org](https://www.cirmaclaim.org).



About CIRMA

CIRMA was established as a Connecticut Conference of Municipalities (CCM) service program—Connecticut’s association of towns and cities. Today, CIRMA is Connecticut’s number-one municipal risk financing and risk management services provider for Connecticut’s public entities. A member-owned and governed agency, CIRMA provides high-quality, tailored insurance for municipalities, school districts, and local public agencies. CIRMA operates competitive Workers’ Compensation and Liability-Auto-Property pools and provides holistic claims services and risk management solutions exclusively to the Connecticut public sector.



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