

1 **MENTAL HEALTH PROTECTIONS FOR FIRST**

2 **RESPONDERS**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Karen Kwan**

6 Senate Sponsor: Karen Mayne

7	Cosponsors:	Val K. Potter	Mark A. Strong
8	Sandra Hollins	Paul Ray	Mike Winder
9	Eric K. Hutchings	Angela Romero	
10	Kelly B. Miles	Casey Snider	
11	Lee B. Perry	Andrew Stoddard	

12

13 **LONG TITLE**

14 **General Description:**

15 This bill establishes a working group to study a first responder's workers' compensation
16 claim due to mental stress.

17 **Highlighted Provisions:**

18 This bill:

- 19 ▶ defines "first responder";
- 20 ▶ establishes a temporary working group to study a first responder's workers'
21 compensation claim due to mental stress; and
- 22 ▶ makes technical changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **34A-2-102**, as last amended by Laws of Utah 2017, Chapter 363

30 **63I-2-234**, as last amended by Laws of Utah 2018, Chapter 281

31 ENACTS:

32 **34A-2-107.2**, Utah Code Annotated 1953



34 *Be it enacted by the Legislature of the state of Utah:*

35 Section 1. Section **34A-2-102** is amended to read:

36 **34A-2-102. Definition of terms.**

37 (1) As used in this chapter:

38 (a) "Average weekly wages" means the average weekly wages as determined under

39 Section **34A-2-409**.

40 (b) "Award" means a final order of the commission as to the amount of compensation
41 due:

42 (i) an injured employee; or

43 (ii) a dependent of a deceased employee.

44 (c) "Compensation" means the payments and benefits provided for in this chapter or
45 Chapter 3, Utah Occupational Disease Act.

46 (d) (i) "Decision" means a ruling of:

47 (A) an administrative law judge; or

48 (B) in accordance with Section **34A-2-801**:

49 (I) the commissioner; or

50 (II) the Appeals Board.

51 (ii) "Decision" includes:

52 (A) an award or denial of a medical, disability, death, or other related benefit under this
53 chapter or Chapter 3, Utah Occupational Disease Act; or

54 (B) another adjudicative ruling in accordance with this chapter or Chapter 3, Utah
55 Occupational Disease Act.

56 (e) "Director" means the director of the division, unless the context requires otherwise.

57 (f) "Disability" means an administrative determination that may result in an entitlement
58 to compensation as a consequence of becoming medically impaired as to function. Disability
59 can be total or partial, temporary or permanent, industrial or nonindustrial.

60 (g) "Division" means the Division of Industrial Accidents.

61 (h) "First responder" means:

62 (i) a law enforcement officer, as defined in Section 53-13-103;

63 (ii) an emergency medical technician, as defined in Section 26-8c-102;

64 (iii) an advanced emergency medical technician, as defined in Section 26-8c-102;

65 (iv) a paramedic, as defined in Section 26-8c-102;

66 (v) a firefighter, as defined in Section 34A-3-113;

67 (vi) a dispatcher, as defined in Section 53-6-102; or

68 (vii) a correctional officer, as defined in Section 53-13-104.

69 ~~(h)~~ (i) "Impairment" is a purely medical condition reflecting an anatomical or
70 functional abnormality or loss. Impairment may be either temporary or permanent, industrial
71 or nonindustrial.

72 ~~(i)~~ (j) "Order" means an action of the commission that determines the legal rights,
73 duties, privileges, immunities, or other interests of one or more specific persons, but not a class
74 of persons.

75 ~~(j)~~ (k) (i) "Personal injury by accident arising out of and in the course of
76 employment" includes an injury caused by the willful act of a third person directed against an
77 employee because of the employee's employment.

78 (ii) "Personal injury by accident arising out of and in the course of employment" does
79 not include a disease, except as the disease results from the injury.

80 ~~(k)~~ (l) "Safe" and "safety," as applied to employment or a place of employment,
81 means the freedom from danger to the life or health of employees reasonably permitted by the
82 nature of the employment.

83 (2) As used in this chapter and Chapter 3, Utah Occupational Disease Act:

84 (a) "Brother or sister" includes a half brother or sister.

85 (b) "Child" includes:

86 (i) a posthumous child; or

87 (ii) a child legally adopted prior to an injury.

88 Section 2. Section **34A-2-107.2** is enacted to read:

89 **34A-2-107.2. Mental Health Protections for First Responders Workgroup.**

90 (1) There is created the Mental Health Protections for First Responders Workgroup
91 within the commission consisting of the following members:

92 (a) the commissioner or the commissioner's designee;

93 (b) one member of the Senate, appointed by the president of the Senate, and one
94 member of the House, appointed by the speaker of the House;

95 (c) three representatives of the workers' compensation insurance industry appointed by
96 the chair, one of whom is a voting member of the employer side of the Workers' Compensation
97 Advisory Council, as follows:

98 (i) one member representing the insurance carrier designated to write coverage for the
99 residual market;

100 (ii) one member representing an insurance carrier other than the carrier described in
101 Subsection (1)(c)(i); and

102 (iii) one member representing self-insured employers;

103 (d) one member representing the Division of Risk Management;

104 (e) four representatives of first responders appointed by the chair, one of whom is a
105 voting member of the employee side of the Workers' Compensation Advisory Council;

106 (f) one representative from the Utah League of Cities and Towns;

107 (g) one representative from the Utah Association of Counties;

108 (h) one representative from the Utah Association of Special Districts;

109 (i) the director of the Division of Substance Abuse and Mental Health, or the director's
110 designee; and

111 (j) as appointed by the chair, one or more individuals with expertise in mental stress or
112 occupational medicine to serve as ex officio, nonvoting members of the workgroup.

- 113 (2) The commissioner or the commissioner's designee is the chair of the workgroup.
- 114 (3) (a) A majority of the members of the workgroup constitutes a quorum.
- 115 (b) The action of a majority of a quorum constitutes the action of the workgroup.
- 116 (4) (a) The salary and expenses of each member of the workgroup who is a legislator
117 shall be paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative
118 Compensation and Expenses.
- 119 (b) A member of the workgroup who is not a legislator may not receive compensation,
120 benefits, per diem, or travel expenses for the member's service on the workgroup.
- 121 (5) The commission shall provide staff support to the workgroup.
- 122 (6) The workgroup shall review and make recommendations on the following issues:
123 (a) the alleviation of barriers, including financial barriers, to mental health treatment
124 for first responders inside and outside of the workers' compensation system;
125 (b) statutory requirements for compensability of mental stress claims from first
126 responders under Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational
127 Disease Act;
128 (c) improving a first responder's accessibility to mental health treatment; and
129 (d) any additional issue that the workgroup:
130 (i) determines is an important issue related to workers' compensation for first
131 responders; and
132 (ii) decides to review.
- 133 (7) The workgroup shall present a final report on the items described in Subsection (6),
134 including any legislative recommendations, to the Business and Labor Interim Committee on or
135 before September 30, 2020.
- 136 Section 3. Section **63I-2-234** is amended to read:
137 **63I-2-234. Repeal dates -- Title 34A.**
138 Section [34A-2-107.2](#) is repealed January 1, 2021.