

SENATE FILE NO. SF0018

Mental injury-workers' compensation.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

A BILL

for

1 AN ACT relating to workers' compensation; amending the
2 definition of injury to authorize coverage of a mental
3 injury as specified; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 27-14-102(a)(xi)(J) is amended to
8 read:

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10 **27-14-102. Definitions.**

11

12 (a) As used in this act:

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14 (xi) "Injury" means any harmful change in the
15 human organism other than normal aging and includes damage
16 to or loss of any artificial replacement and death, arising

1 out of and in the course of employment while at work in or
2 about the premises occupied, used or controlled by the
3 employer and incurred while at work in places where the
4 employer's business requires an employee's presence and
5 which subjects the employee to extrahazardous duties
6 incident to the business. "Injury" does not include:

7
8 (J) Any mental injury unless it is caused
9 by a ~~compensable physical injury, it occurs subsequent to~~
10 ~~or simultaneously with, the physical injury and it is~~
11 situation or condition arising out of or in the course of
12 employment that is of greater magnitude than the day-to-day
13 stresses and tensions all employees usually experience. A
14 mental injury shall be established by clear and convincing
15 evidence, which shall include a diagnosis by a licensed
16 psychiatrist or licensed clinical psychologist meeting
17 criteria established in the most recent edition of the
18 diagnostic and statistical manual of mental disorders
19 published by the American Psychiatric Association. ~~In no~~
20 ~~event shall benefits for a compensable mental injury be~~
21 ~~paid for more than six (6) months after an injured~~
22 ~~employee's physical injury has healed to the point that it~~
23 ~~is not reasonably expected to substantially improve. A~~
24 mental injury is not covered if it is the result of

1 disciplinary action, work evaluation, job transfer, layoff,
2 demotion, termination or any similar action taken in good
3 faith by the employer. Benefits specified in W.S.
4 27-14-401, 27-14-404 and 27-14-406 shall be the only
5 benefits authorized for a mental injury.

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7 **Section 2.** This act is effective July 1, 2009.

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(END)