

SENATE FILE NO. SF0117

First responder workplace mental injury coverage.

Sponsored by: Senator(s) Nethercott, Anderson, Anselmi-Dalton, Baldwin, Biteman, Boner, Coe, Hutchings, Landen, Moniz, Rothfuss and Schuler and Representative(s) Brown, Lindholm, Salazar, Walters and Zwonitzer

A BILL

for

1 AN ACT relating to worker's compensation; specifying when  
2 mental injury is considered a compensable injury for first  
3 responders; providing conforming changes; and providing for  
4 an effective date.

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

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8 **Section 1.** W.S. 27-14-102(a)(xi)(J) and by creating a  
9 new paragraph (xxxi) is amended to read:

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11 **27-14-102. Definitions.**

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13 (a) As used in this act:

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1           (xi) "Injury" means any harmful change in the  
2 human organism other than normal aging and includes damage  
3 to or loss of any artificial replacement and death, arising  
4 out of and in the course of employment while at work in or  
5 about the premises occupied, used or controlled by the  
6 employer and incurred while at work in places where the  
7 employer's business requires an employee's presence and  
8 which subjects the employee to extrahazardous duties  
9 incident to the business. "Injury" does not include:

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11                   (J) Any mental injury unless it is:

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13                           (I) Caused by a compensable physical  
14 injury, it occurs subsequent to or simultaneously with, the  
15 physical injury and it is established by clear and  
16 convincing evidence, which shall include a diagnosis by a  
17 licensed psychiatrist or licensed clinical psychologist  
18 meeting criteria established in the most recent edition of  
19 the diagnostic and statistical manual of mental disorders  
20 published by the American Psychiatric Association. In no  
21 event shall benefits for a compensable mental injury under  
22 this subdivision be paid for more than six (6) months after  
23 an injured employee's physical injury has healed to the

1 point that it is not reasonably expected to substantially  
2 improve; ~~or~~ or

3  
4 (II) Experienced by a first responder  
5 and established by clear and convincing evidence, which  
6 shall include a diagnosis by a licensed psychiatrist or  
7 licensed clinical psychologist meeting criteria established  
8 in the most recent edition of the diagnostic and  
9 statistical manual of mental disorders published by the  
10 American Psychiatric Association. The mental injury shall  
11 only be deemed a compensable injury if the first responder,  
12 as a condition of employment, submitted to a psychological  
13 examination administered by a psychiatrist or psychologist  
14 licensed in the state of Wyoming who ruled out the presence  
15 of the same mental injury from any preemployment exposure.  
16 If the employer does not provide an examination as a  
17 condition of employment, the mental injury shall not be  
18 compensable under this subdivision. The mental injury shall  
19 not be considered a compensable injury if the mental injury  
20 is directly attributed to disciplinary action, work  
21 evaluation, job transfer, layoff, demotion, termination or  
22 similar action taken by an employer.

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1                   (xxxi) "First responder" means an employee who  
2 is employed or volunteers as a firefighter, law enforcement  
3 personnel or ambulance personnel.

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5           **Section 2.** This act is effective July 1, 2020.

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(END)