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**PTSD Coverage through Workers Compensation**

**Summary**

* Finding solutions for further support of individuals struggling from a post-traumatic stress disorder (PTSD) diagnosis, is something being pursued across the country. As of 2019, approximately 26 states, including Oklahoma *(Title 85A, sec. 13),* offer various forms of limited PTSD coverage, such as sudden or unusual incidents or limited to just first responders through workers' compensation. Additionally, there are approximately 8 states that currently offer a more robust coverage without a physical injury event having to occurred.

**Examples in Other States’ Coverage Models**

* Florida
  + Section 112.1815(5)(a), Florida Statutes

Florida law states that a mental or nervous injury caused by stress, fright, or excitement is not considered a workplace injury. The only exception is when a physical injury also accompanies a mental injury. A special provision in Florida workers’ compensation law allows first responders to be compensated for a mental or nervous injury “occurring as a manifestation of a compensable injury” so long as they demonstrate their injury through clear and convincing evidence. For a mental or nervous injury arising out of the employment that is not accompanied by any physical injury, only medical benefits are available. Payment for lost wages may not be made unless a physical injury accompanies the mental or nervous injury. Benefits for a first responder are not subject to any limitation on temporary benefits or the 1-percent limitation on permanent psychiatric impairment benefits. In addition, Senate Bill 376 now allows first responders to receive indemnity (wage loss) benefits for PTSD and other mental-only injuries, regardless of whether or not there was a physical injury, in certain circumstances. This law went into effect on October 1, 2018.

* California
  + Cal. Labor Code § 3208.3 (2018)

In workers compensation cases, a psychiatric injury is a mental disorder that is determined to be at least 50% caused by work. It requires medical treatment or causes disability. Generally, an employee with a psychiatric injury must: have worked for the employer for six months or longer. In addition, first responders in California were granted further rights when Gov. Gavin Newsom signed Senate Bill 542 in October 2019. This law creates a rebuttable presumption that a worker’s mental health struggles are an occupational injury, which could qualify them for paid time off to recover..

* Arizona
  + 23-901

By special statute, a “mental injury, illness or condition” is not covered “unless some unexpected, unusual or extraordinary stress related to the employment or some physical injury related to the employment was a substantial contributing cause of the injury, illness or condition,” A.R.S. § 23-1043.01(B).

* Colorado
  + 2018 Colorado Worker’s Comp Act  
    There is specific law in Colorado governing when a mental claim, i.e. anxiety, depression, etc., without a physical injury constitutes a compensable injury. For a stand-alone mental injury to exist, there must be “a psychologically traumatic event that is generally outside of a worker’s usual experience and would evoke significant symptoms of distress in a worker in similar circumstances.” C.R.S 8-41-301(2)(a). Colorado law further clarifies that a workers’ usual experience includes disciplinary action, work evaluations, job transfers, lay-off, demotion, promotion, termination, or retirement. A claim for a mental injury cannot be based in part on facts that are common to all fields of employment.
* Georgia
  + Georgia Code § 34-9-280   
    In Georgia, it is required by law that workers first have a physical injury before they are eligible to receive benefits for a psychological injury, as psychological symptoms without bodily injury are not compensable under Georgia workers’ compensation laws.

**Additional Resources**

* [Workers’ Compensation for PTSD: Which States Offer Benefits? (gerberholderlaw.com)](https://www.gerberholderlaw.com/workers-comp-ptsd-by-state/)
* [II\_Regulatory-Legislative-Trends2022.pdf (ncci.com)](https://www.ncci.com/Articles/Documents/II_Regulatory-Legislative-Trends2022.pdf)