

Workers' Compensation for Mental Impairment



Background

To date, mentally traumatic events, such as post-traumatic stress disorder (PTSD), are not required to be covered by workers' compensation insurance for police officers and first responders unless an event outside of the employee's typical job responsibilities caused the mental impairment. This year, the Fraternal Order of Police and Pinnacle Assurance compromised to pass [House Bill \(HB\) 17-1229](#), which makes noteworthy changes to Colorado's workers' compensation law.

HB 17-1229: Workers' Compensation for Mental Impairment

The law provides grounds for some professions to make a claim of mental impairment based on a psychologically traumatic event that occurs within the normal course of their duties, if diagnosed with PTSD by a psychiatrist, or outside the normal course of their duties, if the event would likely distress another worker in similar circumstances. Facilities employing these professionals may experience an increase in workers' compensation claims, and organizations that self-insure for workers' compensation should review the statute to ensure compliance.

What You Need to Know

Starting July 1, 2018, PTSD will be covered, in a limited set of circumstances, by workers' compensation insurance for:

- Peace officers
- Emergency medical service providers
- Firefighters
- Public safety professionals

Workers' compensation claims made for mental impairment following the employee witnessing a death, injury or other violent event must be supported with evidence from a licensed psychiatrist, rather than a physician or psychologist. This does not cover impairments resulting from employer disciplinary action, work evaluation, transfer, lay-off, demotion or termination.

Additional Resources

- HB 17-1229: [Final Bill](#) and [Fiscal Note](#)
- HB 17-1229 will take effect on July 1, 2018

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