

RÉSUMÉ DIGEST

ACT 122 (SB 107)

2019 Regular Session

Gatti

Prior law declared that the services provided by volunteer fire departments are vital for fire prevention and suppression to the safety of the citizens of the state. Prior law requires the state fire marshal obtain workers' compensation coverage for volunteer members who participate in the normal functions of the fire company.

New law retains prior law but requires that, upon the purchase of a new policy or renewal of an existing policy, that any workers' compensation policy which provides coverage for a volunteer member of a fire company, pursuant to prior law, will include coverage for posttraumatic stress injury.

New law provides that the following definitions shall apply to any workers' compensation policy which provides coverage for a volunteer member of a fire company:

- (1) "Posttraumatic stress injury" means those injuries which are defined as "posttraumatic stress injury" by the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association caused by an event occurring in the course and scope of employment.
- (2) "Psychiatrist" shall have the same meaning as it is defined pursuant to prior law.
- (3) "Psychologist" shall have the same meaning as it is defined pursuant to prior law.
- (4) "Volunteer member" shall have the same meaning as it is defined pursuant to prior law.
- (5) "Volunteer service" means that service performed by a volunteer member, for one or more fire companies, who is entitled to workers' compensation benefits pursuant to prior law.

New law provides that any volunteer member of a fire company who is diagnosed by a psychiatrist or psychologist with posttraumatic stress injury, either during his period of voluntary service or thereafter, shall be presumed, prima facie, to have a disease or infirmity connected with his volunteer service.

New law provides that, once diagnosed with posttraumatic stress injury as provided for in new law, the volunteer member affected or his survivors shall be entitled to all rights and benefits as granted by prior law to one suffering from an occupational disease is entitled as service connected in the line of duty, regardless of whether he is engaged in volunteer service at the time of diagnosis.

New law provides that, except as provided in new law, any benefit payable to any local emergency medical services personnel, any employee of a local police department, or any local fire employee for temporary and permanent disability when the employee suffers an injury or disease arising out of and in the course and scope of their employment, shall include coverage for posttraumatic stress injury.

New law defines "fire employee" as any person employed in the fire department of any municipality, parish, or fire protection district that maintains full-time regularly paid fire department employment, regardless of the specific duties of such person within the fire department. "Fire employee" also includes employees of nonprofit corporations under contract with a fire protection district or other political subdivision to provide fire protection services, including operators of the fire-alarm system when such operators are members of the regularly constituted fire department."

New law provides that the following definitions shall apply to posttraumatic stress injury benefits payable to a local emergency medical services personnel, any employee of a local police department, or any local fire employee:

- (1) "Posttraumatic stress injury" means those injuries which are defined as "posttraumatic stress injury" by the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association caused by an event occurring in the course and scope of employment.

(2) "Psychiatrist" shall have the same meaning as it is defined pursuant to prior law.

(3) "Psychologist" shall have the same meaning as it is defined pursuant to prior law.

New law provides that, except as provided in new law, any local emergency medical services personnel, any employee of a local police department, or any local fire employee who is diagnosed by a psychiatrist or psychologist with posttraumatic stress injury, either during employment or thereafter, shall be presumed, prima facie, to have a disease or infirmity connected with his employment.

New law provides that, once diagnosed with posttraumatic stress injury any local emergency medical services personnel, any employee of a local police department, or any local fire employee affected or his survivors will be entitled to all rights and benefits as granted by state law to one suffering an occupational disease and is entitled as service connected in the line of duty, regardless of whether the employee is employed at the time of diagnosis.

New law provides that in case of any conflict between provisions of new law and any retirement law then retirement law provisions control.

Prior law provided that every employee of the division of state police, except the head thereof, shall be considered an employee of the state within the meaning of the workers' compensation law of this state and entitled to the benefits of all the provisions of that law applicable to state employees.

New law retains prior law but adds that any purchase of a new policy of renewal of an existing workers' compensation policy which provides coverage for an employee of the division of state police, pursuant to prior law, shall include coverage for posttraumatic stress injury.

New law provides that the following definitions shall apply to benefits payable to an employee of the division of state police:

(1) "Posttraumatic stress injury" means those injuries which are defined as "posttraumatic stress injury" by the most recently published edition of the Diagnostic and Statistical Manual of Mental Disorders by the American Psychiatric Association caused by an event occurring in the course and scope of employment.

(2) "Psychiatrist" shall have the same meaning as it is defined pursuant to prior law.

(3) "Psychologist" shall have the same meaning as it is defined pursuant to prior law.

New law provides that an employee of the division of state police who is diagnosed by a psychiatrist or psychologist with posttraumatic stress injury, either during employment or thereafter, shall be presumed, prima facie, to have a disease or infirmity connected with his employment for purposes of workers' compensation benefits.

New law provides that, once diagnosed with posttraumatic stress injury the employee of the division of state police affected or his survivors shall be entitled to all rights and benefits as granted by state workers' compensation law to which one suffering an occupational disease and is entitled as service connected in the line of duty, regardless of whether the employee is employed at the time of diagnosis.

New law shall not modify the qualifications necessary to establish eligibility to receive benefits or the calculation of benefits to be paid under any Louisiana public pension or retirement system, plan, or funds.

New law provides that in case of any conflict between provisions of new law and any retirement law then the retirement law provisions control.

New law provides that a posttraumatic stress injury that arises solely from a legitimate personnel action such as a transfer, promotion, demotion, or termination, is not a compensable injury pursuant to prior law.

Effective August 1, 2019.

(Amends R.S. 40:1374; adds R.S. 23:1036.1, and R.S. 33:2581.2)

