

New Post-Traumatic Stress Disorder (PTSD) law takes effect July 1

On July 1, a new law (Colorado House Bill 17-1229) takes effect that will make it easier for first responders and others with repeated exposure to psychologically traumatic events to file a claim for workers' compensation benefits as a result of work-related PTSD.

What's changing under the new law?

Under **current** law, there is no workers' compensation coverage for PTSD specifically, only for mental impairment generally. If a worker sustains a mental impairment as part of a compensable physical injury on the job, that person can receive workers' comp coverage for both the physical and mental injury. When a person makes a claim for a purely mental impairment, with no physical injury, there is a higher burden of proof. Current law requires that the worker experience "a psychologically traumatic event that is generally outside of a workers' usual experience and would evoke significant symptoms of distress in a worker in a similar circumstance."

The **new** law that takes effect July 1 tailors a very narrow exception to the existing requirement that workers' comp coverage for mental impairment only applies to circumstances that are generally outside of a worker's usual experience. It allows workers to claim workers' compensation coverage for PTSD in a limited set of circumstances **based on repeated exposure to violent events**, not the worker's occupation. It is the word "repeated" that makes the new law apply almost exclusively to first responders because they are most likely to experience repeated exposure to violent events.

Under the new law, for a worker to be eligible to receive workers' comp benefits for any work-related mental impairment (including PTSD), the claim must be supported with a diagnosis by a licensed psychiatrist or psychologist. Under the current law, a physician who is not a licensed psychiatrist or psychologist can make such a diagnosis.

Please note that any PTSD or other mental impairment claims filed as a result of a person's exposure to a traumatic event that occurred before July 1 will remain subject to the current law. Also, except for the new requirement that all mental impairment claims must be supported by a diagnosis of a licensed psychiatrist or psychologist, the current law will continue to apply for traumatic events occurring July 1 to any claim in which the narrow exception for PTSD in the new law does not apply.

Important steps for employees filing a PTSD claim

Pinnacol asks our policyholders to follow two important steps when their employee files a PTSD claim.

1. File a First Report of Injury immediately. (You can do this online through the Policyholder Portal, or you can call our customer experience team at 303.361.4000 for assistance.)
2. Make sure to the employee filing the PTSD claim has a copy of your designated provider letter. When the designated provider examines the employee, the provider will need to determine if a psychiatric referral is the appropriate next step.

Where can agents and policyholders get more information?

Many designated providers and policyholders may not be familiar with this new law so Pinnacol's claims team will provide ongoing education as part of our claims update process. In the meantime, if you have any additional questions, please don't hesitate to reach out to your Pinnacol claims representative.