



Ohio Legislative Service Commission

Bill Analysis

Nicholas A. Keller

S.B. 252

130th General Assembly
(As Introduced)

Sens. Patton, Hughes, Turner, Brown, Schiavoni, Kearney

BILL SUMMARY

- Makes a peace officer or firefighter who is diagnosed with post-traumatic stress disorder eligible to receive compensation and benefits under Ohio's Workers' Compensation Law under certain circumstances, regardless of whether the individual suffers an accompanying physical injury.

CONTENT AND OPERATION

Eligibility for compensation and benefits

Under the bill, a peace officer or firefighter who is diagnosed with post-traumatic stress disorder (PTSD), resulting from the person's employment as a peace officer or firefighter, may be eligible to receive compensation and benefits under Ohio's Workers' Compensation Law¹ regardless of whether the PTSD is connected to a compensable physical injury.²

Background – psychiatric conditions as "injuries"

Other than injuries falling under specific exceptions (self-inflicted injuries or injuries caused by the employee's intoxication), Ohio's Workers' Compensation Law provides that every employee who is injured or contracts an occupational disease is entitled to receive compensation, benefits, or both on account of the injury or occupational disease.³ Continuing law defines "injury" as any injury received in the

¹ R.C. Chapters 4121., 4123., 4127., and 4131.

² R.C. 4123.01(C) and (L), with conforming changes in R.C. 4123.01(A) and 4123.026.

³ R.C. 4123.54, not in the bill.

course of, and arising out of, the injured employee's employment. Currently, psychiatric conditions generally are excluded from the definition of injury, except where:

(1) The claimant's psychiatric conditions have arisen from an injury or occupational disease sustained by that claimant; or

(2) The claimant's psychiatric conditions have arisen from sexual conduct in which the claimant was forced to engage or participate by threat of physical harm.⁴

Thus, under current law, a claimant is not eligible to receive compensation or benefits under Ohio's Workers' Compensation Law for PTSD unless the PTSD arose from a compensable physical injury incurred by the claimant.⁵

Background – PTSD

PTSD is an illness caused by living through or seeing a traumatic event, such as war, physical abuse, or a bad accident. PTSD can cause flashbacks, trouble sleeping, thoughts of hurting oneself or others, angry outbursts, and feelings of worry, guilt, sadness, or loneliness. Signs of PTSD may start soon after a traumatic event or may start or intensify years after the event.⁶

Definition – peace officer

Under continuing law, a "peace officer" means any of the following:

(1) A sheriff or deputy sheriff;

(2) A marshal or deputy marshal;

(3) A member of the organized police department of any municipal corporation, including a member of the organized police department of a municipal corporation in an adjoining state serving in Ohio;

(4) A member of a police force employed by a metropolitan housing authority;

(5) A member of a police force employed by a regional transit authority;

(6) A state university law enforcement officer;

⁴ R.C. 4123.01(C).

⁵ *Armstrong v. Jurgensen Co.*, 136 Ohio St.3d 58, 2013-Ohio-2237.

⁶ National Institute of Mental Health, *Post-Traumatic Stress Disorder (Easy-to-Read)*, <http://www.nimh.nih.gov/health/publications/post-traumatic-stress-disorder-easy-to-read/index.shtml> (accessed June 2, 2014).



- (7) An enforcement agent of the Department of Public Safety;
- (8) An employee of the Department of Taxation to whom investigation powers have been delegated under the Cigarette Tax Law;
- (9) An employee of the Department of Natural Resources who is a natural resources law enforcement staff officer, a forest officer, a preserve officer, a wildlife officer, a park officer, or a state watercraft officer;
- (10) An individual designated to perform law enforcement duties in a park district or conservancy district or by a park commission;
- (11) A veterans' home police officer;
- (12) A special police officer employed by a port authority;
- (13) A township police constable;
- (14) A police officer of a township or joint police district;
- (15) A special police officer employed by a municipal corporation at a municipal airport or certain other municipal air navigation facilities;
- (16) The House of Representatives Sergeant at Arms, if the person has arrest authority, or an assistant House of Representatives Sergeant at Arms;
- (17) The Senate Sergeant at Arms or an assistant Senate Sergeant at Arms;
- (18) Certain Bureau of Criminal Identification and Investigation employees or officers;
- (19) A state fire marshal law enforcement officer;
- (20) The Superintendent and troopers of the State Highway Patrol, for specified purposes.⁷

HISTORY

ACTION	DATE
Introduced	12-04-13

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⁷ R.C. 4123.01(L), by reference to R.C. 2935.01, not in the bill.

