



LAW1199.COM NEWSLETTER™

2024 ★ ISSUE #11

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COMMISSION ON HEALTH AND SAFETY IN WORKERS' COMPENSATION STUDY DUE DATE OF 01/01/2029 ON PTSD

BY: SCOTT A. O'MARA

Labor Code §3212.15 has an expiration date of 01/01/2029. This legislation has been drafted and implemented in the awareness there is a segment of the labor market that has a higher exposure to horrendous and demanding events that occur during their employment.

The awareness is situations that can evolve from long term exposures at work or specific horrific events of work. The diagnostic term that is used is Post-Traumatic Stress Disorder (PTSD) that is characterized by the Diagnostic Statistical Manual of Mental Disorder and is published by the American Psychiatric Association.

The individual who develops or manifests this problem may indeed have need for medical care to cure or relieve the effects of the problem. There is awareness that certain occupations have a higher propensity for these horrific events such as firefighters and police officers.

Once it has been established that the PTSD is work-related, this allows medical care with providers that are doctors that in all MUST have a better understanding as to the demands of firefighters and police officers. This understanding affords a higher level of care and enhances the likelihood of curing and relieving the effects of the injury.

Several challenges for many of the individuals that suffer from PTSD is the recognition of what is going on and the connection with a medical provider that has in-depth knowledge of what the worker has done in their career, and how many times there has been a long stage of denial in seeking care because culturally for some groups it is not perceived to be strong for the worker to seek out care. By receiving care from a provider that understands this perspective, the worker has a better opportunity to improve.

The improvement that is needed is not just for the work situation, but overflows into their domestic life. As the worker changes because of horrific events they have endured, and continue to have in their work situation, there is a continuation of the thought process not just at work, but also impact on their domestic situation.

This overflow from the work can have a negative impact on the family. Therefore, the worker has two points that they have to deal with. One is the work situation that is creating exposure to stressful events i.e., shootings, high speed pursuits, fires where someone is burning/burnt, death of young children, or suicides. These events are contributory; however these events are also situations that do happen and at the end of the workday they carry over whether that is week, a month or year upon year, into their domestic life.

The second point is a change of the family environment; growing apart from the family and members breaking down due to what has occurred and is occurring at work.

Again the emphasis of being treated by a doctor or a group of doctors that have awareness substantially increases the likelihood of recovery and being able to return to work. Also equally important is trying to make the domestic situations non-volatile and more pleasant for all.

Labor Code §3212.15 establishes a presumption that lessens the burden of proof, but still requires a burden of proof to articulate the stress. Labor Code §3212.15 has an expiration as of 01/01/2029.

It is a necessity to ensure that the members are getting the medical care to cure or relieve the effects of the PTSD. It is also very important for the Associations and Unions to communicate with the Assembly Members

and State Senators as to the ongoing challenges that exist and the improvement that is derived from the proper medical care to cure or relieve the effects of the injury. There is also a segment that allows for the worker to seek out benefits following the termination of employment for a period of up to sixty months depending on the length of time that the worker has been employed in that area, and lifetime medical on the job-related condition.

Labor Code §3212.15 sets forth a study that is to be completed by the Commission on Health and Safety and Workers' Compensation. This study will reflect information on PTSD and what benefits were paid. This study should also look at not just what the cost of benefits have been, this study should also look at the success of the workers and their family have had with the proper medical care to cure or relieve. The report focused in the past as to what compensation was paid. This study needs to go beyond the compensation paid and look at the access to medical care to cure or relieve the effects of the injury and make sure that there is enough opportunity for the proper and correct doctors to provide this care to cure or relieve.

This study is to be completed and shall be provided to the Senate Committee on Labor and Public Employment, Retirement, Assembly, and the Committee on Insurance no later than 01/01/2025. Once this study has been done the various Unions and Associations that represent the worker should be aware of it, but they also should be aware of what parameters of the study are to make sure it is not just what the costs are to the employer, but the improvement to the worker and to the worker's family to cure or relieve the effects of the injury.

Workers' compensation is for the employee who sustained job-related injury. Labor Code §3212.15 recognizes a section of coverage under the presumption, but Labor Code §3212.15 requires additional expansion for other public employees that have also horrendous, demanding and stressful jobs such as public safety telecommunications, emergency response communication employees, and dispatchers. These individuals also on a continuum on a day to day basis have exposures to horrific events. These people are at risk due to these exposures.

The primary purpose of workers' compensation is not to infuse money into the worker, but to cure or relieve the effects of the injury and allow the injured worker to function at a higher level so they can continue with employment and continue to have a positive relationship with the domestic partner/families.

There may be some compensation paid as permanent residual impairment, but that amount that is paid is small in light of the long lasting effect of PTSD. Again, awareness as to this study by the Commission on Health and Safety In Workers' Compensation Study Due Date of 01/01/2029 on PTSD that is going to be offered and at the same time the need to educate the legislators, whether that is the Assembly or the Senate as to the need to protect those that protect us.



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NOTICE: Making a false or fraudulent Workers' Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.

