

FIRST REGULAR SESSION

HOUSE BILL NO. 223

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CROSSLEY.

0748H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to occupational diseases diagnosed in first responders.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 287, RSMo, is amended by adding thereto one new section, to be known as section 287.069, to read as follows:

287.069. 1. For the purposes of this section, the following terms mean:

(1) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the department under sections 190.001 to 190.245;

(2) "Emergency services telecommunicator", any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing, or transmitting public safety information received through a 911 public safety answering point;

(3) "First responder", a law enforcement officer; a firefighter; a paramedic; an emergency medical technician; a registered nurse employed to provide emergency medical services outside of a medical facility; an emergency services telecommunicator; an officer employed by the state or a political subdivision at a corrections, detention, or secure treatment facility; a sheriff or full-time deputy sheriff of any county; or a member of the Missouri state highway patrol;

(4) "Mental impairment", a diagnosis of posttraumatic stress disorder by a licensed psychiatrist or psychologist;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17 **(5) "Paramedic", an individual licensed with cognitive knowledge and a scope of**
18 **practice that corresponds to that level in the National EMS Education Standards and**
19 **National EMS Scope of Practice Model;**

20 **(6) "Posttraumatic stress disorder", the condition as described in the most**
21 **recently published edition of the Diagnostic and Statistical Manual of Mental Disorders**
22 **by the American Psychiatric Association.**

23 **2. If, preceding the date of injury or death, an employee who was employed on**
24 **active duty as a first responder is diagnosed with a mental impairment and had not been**
25 **diagnosed with the mental impairment previously, the mental impairment shall**
26 **presumptively be considered an occupational disease and shall be presumed to have**
27 **arisen out of and in the course of employment. This presumption may be rebutted by**
28 **substantial factors brought by the employer or insurer. Any substantial factors that are**
29 **used to rebut this presumption and that are known to the employer or insurer at the**
30 **time of the denial of liability shall be communicated to the employee on the denial of**
31 **liability.**

32 **3. One or more compensable mental impairment claims arising out of a single**
33 **accident shall constitute a single injury. However, a mental impairment arising out of**
34 **and in the course of employment caused by a single accident or cumulative trauma shall**
35 **also constitute a compensable mental impairment claim.**

36 **4. A mental impairment shall not be considered an occupational disease if it**
37 **results from a disciplinary action, work evaluation, job transfer, layoff, demotion,**
38 **promotion, termination, retirement, or similar action taken in good faith by the**
39 **employer.**

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