

FIRST REGULAR SESSION

SENATE BILL NO. 281

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 22, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1496S.01I

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 shall 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 pursuant to 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 state highway patrol;

(4) "Mental impairment", a diagnosis of post-traumatic stress disorder by a licensed psychiatrist or psychologist; and

(5) "Paramedic", an individual licensed with cognitive knowledge

22 and a scope of practice that corresponds to that level in the National
23 EMS Education Standards and National EMS Scope of Practice Model;

24 (6) "Post-traumatic stress disorder", the condition as described
25 in the most recently published edition of the Diagnostic and Statistical
26 Manual of Mental Disorders by the American Psychiatric Association.

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

38 3. One or more compensable mental impairment claims arising
39 out of a single accident shall constitute a single injury.

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

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