



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBs0313/1
AJM:amn&emw

**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 564**

February 12, 2018 - Offered by Senator WANGGAARD.

1 **AN ACT** *to amend* 102.42 (1); and *to create* 102.17 (9), 102.42 (1p) and 102.44
2 (7) of the statutes; **relating to:** claims for compensation for post-traumatic
3 stress disorder by police officers or fire fighters under the worker's
4 compensation law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 102.17 (9) of the statutes is created to read:

6 102.17 (9) (a) In this subsection, "post-traumatic stress disorder" means that
7 condition, as described in the most recent edition of the Diagnostic and Statistical
8 Manual of Mental Disorders by the American Psychiatric Association.

9 (b) In the case of a mental injury that is not accompanied by a physical injury
10 and that results in a diagnosis of post-traumatic stress disorder in a law enforcement
11 officer, as defined in s. 23.33 (1) (ig), or a fire fighter, the claim for compensation for

1 the mental injury, in order to be compensable under this chapter, is subject to the
2 following requirements:

3 1. The mental injury must satisfy all of the following conditions:

4 a. The diagnosis of post-traumatic stress disorder is made by a psychiatrist or
5 psychologist.

6 b. The conditions of liability under s. 102.03 (1) are proven by clear and
7 convincing medical or psychiatric evidence.

8 2. The mental injury may not be a result of or first reported during any of the
9 following actions taken in good faith by the employer:

10 a. A disciplinary action.

11 b. A work evaluation.

12 c. A job transfer.

13 d. A layoff.

14 e. A demotion.

15 f. A termination.

16 **SECTION 2.** 102.42 (1) of the statutes is amended to read:

17 102.42 (1) TREATMENT OF EMPLOYEE. The Subject to the limitations under sub.
18 (1p), the employer shall supply such medical, surgical, chiropractic, psychological,
19 podiatric, dental, and hospital treatment, medicines, medical and surgical supplies,
20 crutches, artificial members, appliances, and training in the use of artificial
21 members and appliances, or, at the option of the employee, Christian Science
22 treatment in lieu of medical treatment, medicines, and medical supplies, as may be
23 reasonably required to cure and relieve from the effects of the injury, and to attain
24 efficient use of artificial members and appliances, and in case of the employer's
25 neglect or refusal seasonably to do so, or in emergency until it is practicable for the

1 employee to give notice of injury, the employer shall be liable for the reasonable
2 expense incurred by or on behalf of the employee in providing such treatment,
3 medicines, supplies, and training. When the employer has knowledge of the injury
4 and the necessity for treatment, the employer's failure to tender the necessary
5 treatment, medicines, supplies, and training constitutes such neglect or refusal. The
6 employer shall also be liable for reasonable expense incurred by the employee for
7 necessary treatment to cure and relieve the employee from the effects of occupational
8 disease prior to the time that the employee knew or should have known the nature
9 of his or her disability and its relation to employment, and as to such treatment subs.
10 (2) and (3) shall not apply. The obligation to furnish such treatment and appliances
11 shall continue as required to prevent further deterioration in the condition of the
12 employee or to maintain the existing status of such condition whether or not healing
13 is completed.

14 **SECTION 3.** 102.42 (1p) of the statutes is created to read:

15 102.42 (1p) LIABILITY FOR TREATMENT OF CERTAIN MENTAL INJURIES. The employer
16 of an employee whose injury is a mental injury that is compensable under s. 102.17
17 (9) is liable for the employee's treatment of the mental injury for no more than 80
18 weeks after the injury is first reported.

19 **SECTION 4.** 102.44 (7) of the statutes is created to read:

20 102.44 (7) In the case of an employee whose injury is a mental injury that is
21 compensable under s. 102.17 (9), the period of disability may not exceed 80 weeks
22 after the injury is first reported.

23 **SECTION 5. Initial applicability.**

