



2021 SENATE BILL 680

November 11, 2021 - Introduced by Senators JACQUE, WANGGAARD, BEWLEY, AGARD, RINGHAND and SMITH, cosponsored by Representatives HORLACHER, CONSIDINE, EMERSON, ALLEN, ANDRACA, ARMSTRONG, BILLINGS, BRANDTJEN, CABRAL-GUEVARA, CONLEY, DITTRICH, DRAKE, EDMING, HEBL, KERKMAN, KITCHENS, B. MEYERS, MILROY, MURSAU, NEUBAUER, OHNSTAD, PLUMER, POPE, RIEMER, ROZAR, SHANKLAND, SHELTON, SKOWRONSKI, SNODGRASS, STUBBS, SUBECK, THIESFELDT, VINING, VRUWINK, SPREITZER and SINICKI. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT to renumber** 102.17 (9) (a) 1.; **to amend** 102.17 (9) (b) (intro.); and **to**
2 **create** 102.17 (9) (a) 1e. and 102.17 (9) (a) 1m. of the statutes; **relating to:**
3 changing the conditions of liability for worker's compensation benefits for
4 emergency medical services practitioners.

Analysis by the Legislative Reference Bureau

This bill makes changes to the conditions of liability for worker's compensation benefits for emergency medical responders and emergency medical services practitioners who are paid emergency medical responders or paid emergency medical services practitioners and who are diagnosed with post-traumatic stress disorder (PTSD). The bill does not apply to volunteer emergency medical responders or emergency medical services practitioners.

Under current law, if a law enforcement officer or full-time fire fighter is diagnosed with PTSD by a licensed psychiatrist or psychologist and the mental injury that resulted in that diagnosis is not accompanied by a physical injury, that law enforcement officer or fire fighter can bring a claim for worker's compensation benefits if the conditions of liability are proven by the preponderance of the evidence and the mental injury is not the result of a good faith employment action by the person's employer. Also under current law, liability for such treatment for a mental injury is limited to no more than 32 weeks after the injury is first reported.

Under current law, an injured emergency medical responder or emergency medical services practitioner who does not have an accompanying physical injury must demonstrate a diagnosis based on unusual stress of greater dimensions than

SENATE BILL 680

the day-to-day emotional strain and tension experienced by all employees as required under *School District No. 1 v. DILHR*, 62 Wis. 2d 370, 215 N.W.2d 373 (1974) in order to receive worker's compensation benefits for PTSD. Under the bill, such an injured emergency medical responder or emergency medical services practitioner is not required to demonstrate a diagnosis based on that standard, and instead must demonstrate a diagnosis based on the same standard as law enforcement officers and fire fighters. Finally, under the bill, an emergency medical services practitioner is restricted to compensation for a mental injury that is not accompanied by a physical injury and that results in a diagnosis of PTSD three times in his or her lifetime irrespective of a change of employer or employment in the same manner as law enforcement officers and firefighters.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 102.17 (9) (a) 1. of the statutes, as created by 2021 Wisconsin Act
2 29, is renumbered 102.17 (9) (a) 1s.

3 **SECTION 2.** 102.17 (9) (a) 1e. of the statutes is created to read:

4 102.17 (9) (a) 1e. "Emergency medical responder" has the meaning given in s.
5 256.01 (4p), except that in this subsection it does not apply to a volunteer emergency
6 medical responder and applies only to an individual who is a paid emergency medical
7 services responder.

8 **SECTION 3.** 102.17 (9) (a) 1m. of the statutes is created to read:

9 102.17 (9) (a) 1m. "Emergency medical services practitioner" has the meaning
10 given in s. 256.01 (5), except that in this subsection it does not apply to a volunteer
11 emergency medical services practitioner and applies only to an individual who is a
12 paid emergency medical services practitioner.

13 **SECTION 4.** 102.17 (9) (b) (intro.) of the statutes, as created by 2021 Wisconsin
14 Act 29, is amended to read:

