



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 564

**Senate Substitute
Amendment 1**

Memo published: February 15, 2018

Contact: Margit S. Kelley, Senior Staff Attorney

2017 SENATE BILL 564

2017 Senate Bill 564 revises the worker's compensation limitations on coverage for post-traumatic stress disorder (PTSD) to specify that, for protective occupations, a diagnosis of PTSD is presumed to be employment-related, and the officer, firefighter, or emergency medical services practitioner does not have to show unusual stress that is greater than similarly situated employees.

SENATE SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 removes the provisions of the bill. Instead, the substitute amendment specifies that certain conditions must be met for PTSD to be compensable. These include that:

- The claimant is a police officer or firefighter.
- The PTSD is diagnosed by a psychiatrist or psychologist using the most recent Diagnostic and Statistical Manual (DSM) of the American Psychiatric Association.
- The PTSD is proven by clear and convincing evidence to meet the statutory conditions of worker's compensation liability, including that the PTSD is employment-related.
- The PTSD is not the result of, or first reported during, certain identified employment actions taken in good faith by the employer.

The substitute amendment also limits compensation for PTSD to 80 weeks after the PTSD was reported.

The substitute amendment applies the provisions to new claims reported after enactment.

BILL HISTORY

Senate Substitute Amendment 1 was offered by Senator Wanggaard on February 12, 2018. On February 14, 2018, the Senate Committee on Labor and Regulatory Reform recommended adoption of the substitute amendment on a vote of Ayes, 5; Noes, 0, and recommended passage of the bill, as amended, on a vote of Ayes, 4; Noes, 1.

MSK:jal