



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1632

PRINTER'S NO. 3005

PRIME SPONSOR: O'Mara

As amended by A04335 and A04270

COST / (SAVINGS)

FUND	FY 2023/24	FY 2024/25
State Workers' Insurance Fund	\$0	See Fiscal Impact

SUMMARY:

Amends Act 338 of 1915, known as the Workers' Compensation Act, to allow for compensation for post-traumatic stress injury suffered by a first responder.

ANALYSIS:

House Bill 1632, Printer's Number 3005, as amended by A04270 and A04335, amends Act 338 of 1915, known as the Workers' Compensation Act, to add a definition of first responder. The definition of first responder includes peace officers, Pennsylvania State Police officers, and active volunteers, employees, or members of a fire company or an emergency medical services (EMS) company that:

1. Is designated as a municipality's primary EMS provider; or,
2. Is dispatched by a 911 dispatcher or pursuant to a mutual aid agreement.

The bill also adds a new subsection to §301 of the Workers' Compensation Act including post-traumatic stress injuries suffered by first responders as compensable if those injuries are sustained in the course of an individual's employment as a first responder. The individual will not be required to demonstrate that the injury resulted from abnormal working conditions.

Amendatory language establishes qualifying traumatic events for which claims may be filed. The qualifying events are incidents or expositors:

1. Resulting in serious bodily injury or death to any person or persons.
2. Involving a minor who has been injured, killed, abused, or exploited.
3. Involving an immediate threat to the life of the claimant or another individual.
4. Involving mass casualties.
5. Responding to crime scenes for investigations.

A claim for injury under this subsection shall be based on the assessment of a psychologist or psychiatrist and must be filed within three years of the date of diagnosis.

The main provisions of the act would take effect in one year. Amendatory language limits claims to injuries that occurred no more than five years before the effective date of the legislation.

FISCAL IMPACT:

Given that the amendments to the Workers' Compensation Act would take effect one year after passage, there are unlikely to be any fiscal impacts to State Workers' Insurance Fund (SWIF) in the current fiscal year or in the 2024/25 fiscal year.

After the provisions of the legislation take effect, there would be an increase in claims and benefits payments for SWIF that could be significant. SWIF currently insures more than 900 volunteer fire departments that represent 16 percent of SWIF written premiums. At this time, however, the Department of Labor and Industry does not have sufficient information to estimate the eventual fiscal impact to SWIF.

In addition to increased costs for entities insured by SWIF, local governments and other entities that are self-insured for workers' compensation claims will see increased costs from enactment of legislation. At this time there is insufficient data to forecast the potential increase in workers' compensation claims, so the fiscal impact to local governments is indeterminate.

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House Appropriations Committee (D)

DATE: May 7, 2024

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.