AN ACT

Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," in interpretation and definitions, further providing for the definition of "occupational disease" DEFINITIONS; and, in liability and compensation, further providing for compensation for post-traumatic stress injury.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 108 of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, is amended by adding a clause to read:
Section 108. The term "occupational disease," as used in this act, shall mean only the following diseases.

* * *

(e) Post-traumatic stress injury, that is suffered by a professional and volunteer firefighter, volunteer ambulance corps personnel, volunteer rescue and lifesaving squad personnel, emergency medical services personnel and paramedics, a Pennsylvania State Police officer and a police officer requiring certification under 52 Pa.C.S. Ch. 21 (relating to employees), and caused by exposure to a traumatic event arising in the course of the individual's employment or, after four years or more of service, is caused by and related to the cumulative effect of psychological stress in the course of the individual's employment for the benefit and safety of the public.

SECTION 1. SECTION 109 OF THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT, IS AMENDED BY ADDING DEFINITIONS TO READ:

SECTION 109. IN ADDITION TO THE DEFINITIONS SET FORTH IN THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

* * *

"CORRECTIONS OFFICER" MEANS A FULL-TIME EMPLOYEE ASSIGNED TO THE DEPARTMENT OF CORRECTIONS WHOSE PRINCIPAL DUTY IS THE CARE, CUSTODY AND CONTROL OF INMATES OF A PENAL OR CORRECTIONAL INSTITUTION OPERATED BY THE DEPARTMENT OF CORRECTIONS.

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"POST-TRAUMATIC STRESS INJURY" SHALL MEAN A POST-TRAUMATIC STRESS DISORDER AS DEFINED BY A MENTAL DISORDER CHARACTERIZED BY
DIRECT EXPOSURE TO A TRAUMATIC EVENT AS IDENTIFIED BY THE
AMERICAN PSYCHIATRIC ASSOCIATION AND DOCUMENTED IN THE AMERICAN
PSYCHIATRIC ASSOCIATION'S DIAGNOSTIC AND STATISTICAL MANUAL OF
MENTAL DISORDERS, 5TH EDITION.

"TELECOMMUNICATOR" MEANS AN INDIVIDUAL EMPLOYED BY A PUBLIC
SAFETY ANSWERING POINT WHOSE PRIMARY RESPONSIBILITY IS TO
RECEIVE, PROCESS, TRANSMIT OR DISPATCH EMERGENCY AND
NONEMERGENCY CALLS FOR SERVICE FOR EMERGENCY MEDICAL, FIRE AND
RESCUE, LAW ENFORCEMENT OR OTHER PUBLIC SAFETY SERVICES VIA
TELEPHONE, RADIO OR OTHER COMMUNICATION DEVICE. THE TERM SHALL
INCLUDE, BUT NOT BE LIMITED TO, CALL TAKERS, EMERGENCY
DISPATCHERS AND SUPERVISORS.

Section 2. Section 301 of the act is amended by adding a
subsection to read:
Section 301. * * *
(g) (1) A post-traumatic stress injury suffered by a
professional and volunteer firefighter, volunteer ambulance
corps personnel, volunteer rescue and lifesaving squad
personnel, emergency medical services personnel and paramedics,
TELECOMMUNICATOR, CORRECTIONS OFFICER, a Pennsylvania State
Police officer and a police officer requiring certification
under 53 Pa.C.S. Ch. 21 (relating to employees) shall be
established by a preponderance of the SUBSTANTIAL COMPETENT
evidence that the injury WAS CAUSED BY A DIRECT EXPOSURE TO A
NORMAL OR ABNORMAL WORKING CONDITION AND was received while in
the course of the individual's employment.
(2) A POST-TRAUMATIC STRESS INJURY SUFFERED BY AN INDIVIDUAL
UNDER PARAGRAPH (1) SHALL BE BASED ON AN EXAMINATION AND

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DIAGNOSIS BY A PSYCHOLOGIST OR PSYCHIATRIST DULY LICENSED UNDER THE LAWS OF THIS COMMONWEALTH.

(3) FOR PURPOSES OF THIS SUBSECTION, A POST-TRAUMATIC STRESS INJURY SUFFERED AS A RESULT OF AN EMPLOYMENT ACTION, INCLUDING, BUT NOT LIMITED TO, DISCIPLINARY ACTION, JOB OR PERFORMANCE EVALUATION, JOB TRANSFERS OR EMPLOYMENT TERMINATION, SHALL NOT BE COMPENSABLE UNLESS IT CAN BE ESTABLISHED BY SUBSTANTIAL COMPETENT EVIDENCE THAT THE UNDERLYING CAUSE OF THE EMPLOYMENT ACTION IS DIRECTLY ATTRIBUTABLE TO THE INJURY AS PROVIDED FOR UNDER THIS SUBSECTION.

Section 3. The AMENDMENT OR addition of sections 108(s) 109 and 301(g) of the act shall apply to claims filed on or after the effective date of this section.

Section 4. This act shall take effect in 60 days. AS

FOLLOWS:

(1) THE AMENDMENT OR ADDITION OF SECTIONS 109 AND 301(G) OF THE ACT SHALL TAKE EFFECT ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.