



PTSD Legislation in Ohio

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2021 WINTER SYMPOSIUM

Mental Health Initiatives Across the U.S.

- [Parity At 10](#) – Equal Insurance Coverage of Substance Use and Mental Health Disorders
 - Three-year campaign (2017) to unite local and national advocates in 10 states to pursue enforcement of the Parity Act for insurance coverage for those with mental health and substance use disorders
- The Mental Health Parity and Addiction Equity Act ([MHPAEA](#)) – passed in 2008
 - Insurance plans cannot apply more restrictive financial requirements or treatment limitations to mental health and substance use disorder benefits compared to other medical/surgical benefits covered by the plan
 - Applies to large group health plans and Medicaid managed care

Florida PTSD and Workers Compensation

[Florida Statute Section 112.1815](#)

- Only first responders are eligible for benefits for PTSD
 - Defines an “occupational disease” as “a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation, process or employment.. ”
- Covers volunteer first responders also
- First responders must be examined and subsequently diagnosed with PTSD due to one of the qualifying events by a licensed psychiatrist who is an authorized treating physician
- [Link to more info](#)
- One of the first pieces of this type of legislation in the country; passed in 2018

Current Rule on PTSD from Ohio Supreme Court

In *Armstrong v. John R. Jurgensen Co.*, the Ohio Supreme Court ruled that to be compensable, a mental condition must arise from an injury sustained by the claimant. The Court further said, in order to state a claim upon which relief can be granted for an emotional disability, the injured worker must allege either that a physical injury proximately caused the emotional disability or emotional stress proximately caused a physical injury. Thus, simply being involved in an accident and then developing post-traumatic stress disorder is insufficient to allow a claim for that condition. Instead, a nexus must exist between the allowed physical injury and the development of the psychological condition.

133rd General Assembly

House Bill 308

“To enact section 126.65 of the Revised Code to establish a fund to provide compensation and benefits to first responders with post-traumatic stress disorder and to study the financial and administrative requirements for that fund.”

Introduced: June 28, 2019
Passed House: February 12, 2020
Passed Senate: December 17, 2020
Effective Date: April 12, 2021

OFCA Position Letter

- ❑ Authored in November of 2019 by President Westendorf and Executive Director Fitzgibbon to the General Assembly
- ❑ Supported the initiative and requested the addition of language that connected first responders to diagnostic and treatment resources
- ❑ Requested the establishment of a PTSD Hotline, like the Suicide Prevention Hotline, through the Ohio Mental Health and Addiction Services (OHMAS)
- ❑ Requested a system for re-evaluation of the first responder after the initial year of BWC coverage that was allotted by the bill so that they could continue with treatment if needed

PTSD Legislation



CREATED THE STATE'S POST-TRAUMATIC STRESS FUND IN THE TREASURY TO BE USED TO PAY LOST WAGE COMPENSATION, MEDICAL BENEFITS AND ADMINISTRATIVE COSTS FOR THOSE DIAGNOSED WITH PTSD DIRECTLY TIED TO THEIR EMPLOYMENT



TAKES STEPS TOWARDS ALLOWING FIRST RESPONDERS TO FILE CLAIMS FOR PTSD WITHOUT AN ACCOMPANYING PHYSICAL INJURY



IN THE WORKS FOR A FEW YEARS NOW AND FINALLY HAD SOME MOVEMENT AT THE END OF 2020 WITH HB #308

What this legislation means...

- ❑ Officially creates a PTS Fund in the state treasury and designates the Director of Budget and Management as the fund's trustee
- ❑ Requires that fund to be used to pay lost wage compensation, medical benefits and administrative costs associated with public safety officers diagnosed with PTSD without an accompanying physical injury received in the course of, and arising out of, their employment
- ❑ States that no payments will be made from the fund and no person is eligible for any claims and no liability accrues to any state party under the act.
- ❑ Prohibits an employer from discharging, reassigning, or taking any other punitive action against a public safety officer because the officer files a claim or institutes, pursues, or testifies in any proceedings related to compensation or benefits paid from the fund.
- ❑ Requires the Board of Trustees of the OP&F Fund, in consultation with specified entities, to have prepared an actuarial valuation and report that answers specific questions about funding and administrative requirements associated with paying claims from the fund.
- ❑ Does not allow for the ability to receive payments for both PTSD disability and disability retirement.

Clarification Please!

- ❑ Does not allow for claims to start flowing in for coverage or payment yet
- ❑ Created an actuarial study and report that will require further consideration before any formal action is taken
 - What is an actuarial study?
 - An actuary is a business professional who analyzes the financial consequences of risk using math, statistics and financial theory to study uncertain future events, especially those of concern to insurance and pension programs (definition retrieved from [Purdue University](#))
 - Prepared by a “disinterested third party” under the direction of the Board of Trustees for OP&F in consultation with:
 - Ohio Chamber of Commerce, National Federation of Independent Business, Ohio Manufacturers’ Association, County Commissioners Association of Ohio, Ohio Township Association, Ohio Municipal League, Fraternal Order of Police, Ohio Association of Professional Firefighters, Public Employees Retirement Board, State Teachers Retirement Board, School Employees Retirement Board, State Highway Patrol Retirement Board

What will be in the study?

- ❑ Description of lost wage compensation and medical benefit amounts
- ❑ Projection of the number of participants that may be eligible for lost wage compensation and medical benefits
- ❑ Projection on the number of potential claims per year
- ❑ Cost comparison showing the projected administrative cost differentials based on the OP&F Board creating a program versus contracting with other public and private entities
- ❑ Review of how other states administer similar funds

What comes next?

- ❑ The Actuarial Study must be completed by October 1, 2021
- ❑ Sponsor Rep. Tom Patton (R-Strongsville) hopes to achieve a “workable plan”
- ❑ Unification of First Responder Groups and Local Governments
 - ❑ FOP, OAPFF/IAFF
- ❑ Ties in well with proposed Peer Support legislation
- ❑ Start engaging the stakeholders in the actuarial study and asking questions of the interested parties
 - ❑ OFCA has the Pension Subcommittee that will be watching this topic



Questions?

Thank you for attending the 2021 OFCA Winter Symposium

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