

# AN ACT

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.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 126.65 of the Revised Code be enacted to read as follows:

Sec. 126.65. (A) The state post-traumatic stress fund is created in the state treasury. The director of budget and management shall be the trustee of the fund.

(B) The state post-traumatic stress fund shall be used for the following purposes:

(1) Payment of compensation for lost wages that result from a public safety officer being disabled by post-traumatic stress disorder received in the course of, and arising out of, employment as a public safety officer but without an accompanying physical injury;

(2) Payment of medical, nurse, therapy, and hospital services and medicines required to treat a public safety officer diagnosed with post-traumatic stress disorder received in the course of, and arising out of, employment as a public safety officer but without an accompanying physical injury;

(3) Payment of administrative costs incurred in providing the compensation and benefits described in divisions (B)(1) and (2) of this section.

(C) No employer shall discharge, demote, reassign, or take any punitive action against any public safety officer because the officer filed a claim or instituted, pursued, or testified in any proceedings related to compensation or benefits paid from the state post traumatic stress fund as a result of a diagnosis of post-traumatic stress disorder received in the course of, and arising out of, employment as a public safety officer but without an accompanying physical injury. Any such officer may file an action in the common pleas court of the county of the officer's employment in which the relief which may be granted shall be limited to reasonable attorney fees and reinstatement with back pay, if the action is based on discharge, or an award for wages lost if based upon demotion, reassignment, or punitive action taken, offset by earnings subsequent to discharge, demotion, reassignment, or punitive action taken. The action shall be forever barred unless filed within one hundred eighty days immediately following the discharge, demotion, reassignment, or punitive action taken, and no action may be instituted or maintained unless the employer has received written notice of a claimed violation of this section within the ninety days immediately following the discharge, demotion, reassignment, or punitive action taken.

(D) There shall be no payments made from the state post-traumatic stress fund pursuant to division (B) of this section and no person is eligible for any claims and no liability shall accrue to any state party under this section.

SECTION 2. (A) The Board of Trustees of the Ohio Police and Fire Pension Fund, in consultation with the entities listed in division (B) of this section, shall have prepared by a disinterested third-party actuary an actuarial valuation of the funding requirements of the state post-traumatic stress fund established by section 126.65 of the Revised Code, as enacted by Section 1 of this act. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The Board shall be reimbursed by the Office of Budget and Management for up to five hundred thousand dollars for the expenses incurred in preparing the study. The actuary shall prepare a report of the actuarial analysis, which shall include only the following:

- (1) A description of lost wage compensation and medical benefit amounts evaluated;
- (2) A description of the participant group or groups included in the report;
- (3) A projection of the number of participants eligible for compensation and benefits from the fund;
- (4) A projection of the potential claims per year;
- (5) A projection of the average benefit amount based on weekly wage;
- (6) A projection of the cost of health care and pharmacy benefits;
- (7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and public entities;
- (8) A cost comparison as to which, if any, state retirement system or other administrator is best suited to administer the state post-traumatic stress fund;
- (9) A review of how other states administer funds that are similar to the state post-traumatic stress fund;
- (10) An analysis of whether an administrative appeals process is necessary or useful to the resolution of claims for compensation, benefits, or both from the state post-traumatic stress fund;
- (11) If it is determined that an administrative appeals process is necessary or useful to the resolution of claims, an analysis of which entity is best suited to administer the process;
- (12) An analysis of any other issue identified by the entities listed in division (B) of this section.

(B) With respect to the study and report required under division (A) of this section, the Board shall consult with all of the following entities:

- (1) The Ohio Chamber of Commerce;
- (2) The National Federation of Independent Business;
- (3) The Ohio Manufacturers' Association;
- (4) The County Commissioners Association of Ohio;
- (5) The Ohio Township Association;
- (6) The Ohio Municipal League;
- (7) The Fraternal Order of Police of Ohio;
- (8) The Ohio Association of Professional Firefighters;
- (9) The Public Employees Retirement Board;
- (10) The State Teachers Retirement Board;
- (11) The School Employees Retirement Board;

(12) The State Highway Patrol Retirement Board.

(C) The study and report required under division (A) of this section shall be completed not later than October 1, 2021. Copies of the report shall be transmitted to the Board of Trustees of the Ohio Police and Fire Pension Fund, the Director of Budget and Management, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate immediately on its availability.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_