

ENROLLED ACT NO. 56, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to worker's compensation; specifying when mental injury is considered a compensable injury for first responders; providing conforming changes; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 27-14-102(a)(xi)(J) and by creating a new paragraph (xxxi) is amended to read:

27-14-102. Definitions.

(a) As used in this act:

(xi) "Injury" means any harmful change in the human organism other than normal aging and includes damage to or loss of any artificial replacement and death, arising out of and in the course of employment while at work in or about the premises occupied, used or controlled by the employer and incurred while at work in places where the employer's business requires an employee's presence and which subjects the employee to extrahazardous duties incident to the business. "Injury" does not include:

(J) Any mental injury unless it is:

(I) Caused by a compensable physical injury, it occurs subsequent to or simultaneously with, the physical injury and it is established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist, ~~or~~ licensed clinical psychologist or psychiatric mental health nurse practitioner meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. In no

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event shall benefits for a compensable mental injury under this subdivision be paid for more than ~~six (6)~~ thirty-six (36) months after an injured employee's physical injury has healed to the point that it is not reasonably expected to substantially improve ~~i-~~ or

(II) Experienced by a first responder and established by clear and convincing evidence, which shall include a diagnosis by a licensed psychiatrist, licensed clinical psychologist or psychiatric mental health nurse practitioner meeting criteria established in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American Psychiatric Association. The mental injury shall not be considered a compensable injury if the mental injury is directly attributed to disciplinary action, work evaluation, job transfer, layoff, demotion, termination or similar action taken by an employer. In no event shall any disability benefit for a compensable mental injury under this subdivision extend more than thirty-six (36) months beyond the diagnosis of a compensable injury.

(xxxi) "First responder" means a peace officer or an employee who is employed or volunteers as a firefighter, search and rescue personnel or ambulance personnel.

ORIGINAL SENATE
FILE NO. SF0117

ENGROSSED

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Section 2. This act is effective July 1, 2020.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk