

FIRST REGULAR SESSION

# HOUSE BILL NO. 559

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

1177H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 287, RSMo, by adding thereto one new section relating to occupational diseases diagnosed in first responders.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 287, RSMo, is amended by adding thereto one new section, to be known as section 287.069, to read as follows:

**287.069. 1. For the purposes of this section, the following terms mean:**

(1) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245 and with rules adopted by the department under sections 190.001 to 190.245;

(2) "Emergency services telecommunicator", any person employed as an emergency telephone worker, call taker, or public safety dispatcher whose duties include receiving, processing, or transmitting public safety information received through a 911 public safety answering point;

(3) "First responder", a law enforcement officer; a firefighter; a paramedic; an emergency medical technician; a registered nurse employed to provide emergency medical services outside of a medical facility; an emergency services telecommunicator; an officer employed by the state or a political subdivision at a corrections, detention, or secure treatment facility; a sheriff or full-time deputy sheriff of any county; or a member of the Missouri state highway patrol;

(4) "Mental impairment", a diagnosis of posttraumatic stress disorder by a licensed psychiatrist or psychologist;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

17           **(5) "Paramedic", an individual licensed with cognitive knowledge and a scope of**  
18 **practice that corresponds to that level in the National EMS Education Standards and**  
19 **National EMS Scope of Practice Model;**

20           **(6) "Posttraumatic stress disorder", the condition as described in the most recently**  
21 **published edition of the Diagnostic and Statistical Manual of Mental Disorders by the**  
22 **American Psychiatric Association.**

23           **2. If, preceding the date of injury or death, an employee who was employed on**  
24 **active duty as a first responder is diagnosed with a mental impairment and had not been**  
25 **diagnosed with the mental impairment previously, the mental impairment shall**  
26 **presumptively be considered an occupational disease and shall be presumed to have arisen**  
27 **out of and in the course of employment. This presumption may be rebutted by substantial**  
28 **factors brought by the employer or insurer. Any substantial factors that are used to rebut**  
29 **this presumption and that are known to the employer or insurer at the time of the denial**  
30 **of liability shall be communicated to the employee on the denial of liability.**

31           **3. One or more compensable mental impairment claims arising out of a single**  
32 **accident shall constitute a single injury.**

33           **4. A mental impairment shall not be considered an occupational disease if it results**  
34 **from a disciplinary action, work evaluation, job transfer, layoff, demotion, promotion,**  
35 **termination, retirement, or similar action taken in good faith by the employer.**

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