

Sixty-fourth
Legislative Assembly
of North Dakota

Introduced by

A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 10 of section 65-01-02 and to amend and reenact paragraph 10 of subdivision b of subsection 10 of section 65-01-02 of the North Dakota Century Code, relating to workers' compensation coverage for first responders for post-traumatic stress disorder; to provide for application; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. A new paragraph to subdivision a of subsection 10 of section 65-01-02 of the North Dakota Century Code is created and enacted as follows:

(a) A diagnosis of post-traumatic stress disorder, if the injured employee is a first responder and the injured employee establishes by a preponderance of the evidence that the condition causing the post-traumatic stress disorder was extraordinary and unusual in comparison to the normal conditions of the particular employment. The employment event must be determined with reasonable medical certainty to be at least fifty percent of the cause of the post-traumatic stress disorder as compared with all other contributing causes combined, and the post-traumatic stress disorder must have been determined to not preexist the employment event. The post-traumatic stress disorder must be diagnosed by a licensed psychiatrist or psychologist and the diagnosis must meet the criteria established in the Diagnostic and Statistical Manual of Mental Disorders in effect on the effective date of this Act.

(b) Subparagraph a does not include post-traumatic stress disorder that results from an event or series of events that are incidental to normal employer and employee relations, including a personnel action by the employer such as a disciplinary action, work evaluation, transfer, promotion, demotion, salary review, or termination. As used in this paragraph, the term "first responder" means a full-time paid firefighter, a law enforcement officer as defined under section 65-05-15.1 or emergency medical services personnel as defined under section 23 - 27 - 02 . Notwithstanding any other law to the contrary, disability benefits payable under this paragraph may not exceed twenty-six weeks and all other benefits payable may not exceed fifteen thousand dollars.

SECTION 2. AMENDMENT. Paragraph 10 of subdivision b of subsection 10 of the section 65-01-02 of the North Dakota Century Code is amended and reenacted as follows:

(10). A mental injury arising from mental stimulus, which is not otherwise covered under section 1 of this Act.

SECTION 3. APPLICATION. This Act applies to injuries that occur on or after the effective date of this Act.

SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2017, and after that date is ineffective.