

SENATE No. 1691

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to disability or death caused by post-traumatic stress disorder (PTSD).

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|-------------------------------|---|------------------|
| <i>Sal N. DiDomenico</i> | <i>Middlesex and Suffolk</i> | |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/25/2021</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>2/25/2021</i> |
| <i>Diana DiZoglio</i> | <i>First Essex</i> | <i>2/25/2021</i> |
| <i>Jessica Ann Giannino</i> | <i>16th Suffolk</i> | <i>2/25/2021</i> |
| <i>Michael D. Brady</i> | <i>Second Plymouth and Bristol</i> | <i>2/26/2021</i> |
| <i>Adam J. Scanlon</i> | <i>14th Bristol</i> | <i>2/26/2021</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> | <i>3/4/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>3/8/2021</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/8/2021</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>3/15/2021</i> |
| <i>Erika Uytterhoeven</i> | <i>27th Middlesex</i> | <i>3/31/2021</i> |
| <i>Maria Duaiame Robinson</i> | <i>6th Middlesex</i> | <i>4/1/2021</i> |
| <i>Adam G. Hinds</i> | <i>Berkshire, Hampshire, Franklin and Hampden</i> | <i>4/21/2021</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | <i>7/8/2021</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>11/3/2021</i> |

SENATE No. 1691

By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1691) of Sal N. DiDomenico, Jack Patrick Lewis, Angelo J. Puppolo, Jr., Diana DiZoglio and other members of the General Court for legislation relative to the disability or death caused by post-traumatic stress disorder (PTSD). Public Service.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1509 OF 2019-2020.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—————

An Act relative to disability or death caused by post-traumatic stress disorder (PTSD).

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 32 of the General Laws, as appearing in the 2018 Official Edition, is hereby
2 amended by inserting after section 94B the following section:-

3 "Section 94C. (a) "Post-traumatic stress disorder", a disorder that meets the diagnostic
4 criteria for post-traumatic stress, as specified by the American Psychiatric Association in the fifth
5 edition of the Diagnostic and Statistics Manual of Mental Disorders, or most recently published
6 edition.

7 "Mental health professional", a person with professional training, experience and
8 demonstrated competence in the treatment and diagnosis of mental conditions, who is certified or
9 licensed to provide mental health care services and for whom diagnosis of mental conditions are

10 within their scope of practice, including a physician, nurse with recognized psychiatric
11 specialties, psychiatrist, psychologist, clinical social worker, mental health counselor or alcohol
12 and drug abuse counselor.

13 (b) Notwithstanding any general or special law to the contrary relative to the non-
14 contributory or contributory retirement system, any condition of impairment of health caused by
15 post-traumatic stress disorder diagnosed by a mental health professional resulting in total or
16 partial disability or death of: (1) a full-time uniformed member of a paid police department, paid
17 fire department, paid municipal emergency medical service department, the police department of
18 the Massachusetts Bay Transportation Authority, the state police or the public works building
19 police, (2) any employee in the department of correction or a county correctional facility whose
20 regular or incidental duties require the care, supervision or custody of prisoners, criminally
21 insane persons or defective delinquents, (3) any permanent crash crewmen, crash boatman, fire
22 controlman or assistant fire controlman employed at the General Edward Lawrence Logan
23 International Airport, (4) the members of the 104th fighter wing fire department, or (5) members
24 of the Massachusetts military reservation fire department, shall, if they successfully passed a
25 physical examination on entry into said service, which examination failed to reveal any evidence
26 of said condition, be presumed to have been suffered in the line of duty, unless it is shown by a
27 preponderance of the evidence that the post-traumatic stress was caused by non-service
28 connected risk factors or non-service connected exposure.

29 (c) Any person first diagnosed with post-traumatic stress disorder within 5 years of the
30 last date on which said person actively served shall be eligible to apply for benefits pursuant to
31 this section, and if granted, said benefits shall be payable as of the date on which the employee
32 last received regular compensation.

33 (d) Post-traumatic stress disorder shall not be presumed to have been suffered in the line
34 of duty of it results from any disciplinary action, work evaluation, job transfer, layoff, demotion,
35 termination, resignation, retirement or similar bona fide personnel action taken in good faith by
36 the employer."