SENATE DOCKET, NO. 509 FILED ON: 1/17/2023

SENATE . . . . . No. 1645

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.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Sal N. DiDomenico	*Middlesex and Suffolk*	
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/27/2023*
Susannah M. Whipps	*2nd Franklin*	*1/27/2023*
Vanna Howard	*17th Middlesex*	*1/27/2023*
Jack Patrick Lewis	*7th Middlesex*	*1/30/2023*
Steven George Xiarhos	*5th Barnstable*	*1/30/2023*
Marc R. Pacheco	*Third Bristol and Plymouth*	*1/30/2023*
Hannah Kane	*11th Worcester*	*2/9/2023*
Paul R. Feeney	*Bristol and Norfolk*	*3/2/2023*
Bruce E. Tarr	*First Essex and Middlesex*	*3/28/2023*
John C. Velis	*Hampden and Hampshire*	*6/8/2023*
Andres X. Vargas	*3rd Essex*	*9/22/2023*

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1645) of Sal N. DiDomenico, Angelo J. Puppolo, Jr., Susannah M. Whipps, Vanna Howard 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. *1691* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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

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

Chapter 32 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 94B the following section:-

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

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

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

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

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

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