

Senate Executive Departments and Administration Committee

Kevin Condict 271-7875

SB 28, relative to workers' compensation claims involving emergency responders with acute stress disorder or post-traumatic stress disorder.

Hearing Date: January 15, 2025

Time Opened: 10:18 a.m.

Time Closed: 10:32 a.m.

Members of the Committee Present: Senators Pearl, McGough, Gannon, Altschiller and Reardon

Members of the Committee Absent : None

Bill Analysis: This bill provides that "date of injury" for purposes of workers' compensation claims by emergency responders with acute stress disorder or post-traumatic stress disorder shall be determined in accordance with the statute governing date of injury for occupational disease or cumulative trauma.

Sponsors:

Sen. Birdsell

Sen. Long

Sen. Gannon

Sen. Prentiss

Rep. Soucy

Rep. S. Pearson

Who supports the bill: Senator Regina Birdsell (SD19), John McAllister (PFFNH), Jared O'Connor (NHAJ), Rep. Stephen Pearson (Rock-13), Joshua Hoffman, Derek Palmieri (IAFF Local 1088), Keith Irwin, Brian Wade, Gregory Chartier, John O'Leary, Stephen Coonrod, and Ken Flaherty.

Who opposes the bill: Curtis Howland.

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Regina Birdsell, Senate District 19

- Senator Birdsell introduced Senate Bill 28.
- Sen. Birdsell explained that if a first responder has a twenty-year career and has been exposed to post traumatic stress disorder (PTSD) over that time, this bill says that the diagnosis of PTSD is from the last exposure instead of the first

exposure. She said if first exposure is used for workers' compensation then that would make them ineligible for any coverage.

John McAllister, Professional Fire Fighters of New Hampshire

- Mr. McAllister said that workers in fire service frequently experience trauma that can lead to psychological injuries.
- Mr. McAllister stated that the Professional Fire Fighters of New Hampshire (PFFNH) support this bill.
- Mr. McAllister said that many in the fire service believe that PTSD will treat itself. He said there is a fear of saying you have PTSD, which can lead to bad things.
- He said it is crucial to seek help but the stigma around PTSD prevents many from seeking help. He said they are working hard to break that stigma. PTSD remains a serious issue.
- Mr. McAllister said the goal is to align treatment of PTSD and acute stress disorder (ASD) with other occupational conditions. This bill would change the date of injury from the first to last exposure, which would make them eligible for workers' compensation.
- Mr. McAllister said that trauma builds up. It is like a bucket of water collecting a leak until the bucket overflows and members realize they are in dire need of help.
- Mr. McAllister asked the committee to support the bill.
- Sen. Altschiller discussed compounding trauma. She said she supports the aim of the bill. She asked about what PFFNH is doing for firefighters to avoid getting to that place. She mentioned debriefing and normalizing the process of trauma.
 - o Mr. McAllister said that within New Hampshire firefighters are responsible to take a yearly class online. He said PFFNH has taken steps to include peer support in the organization. He mentioned that the International Fire Fighters (IFF) has a valuable peer support program. He said they send a peer support team out to local departments. He said they talk to each other and lead members in the right direction to get the help they need. He mentioned the Center for Excellence in Maryland. He said there are programs nearby that are ahead of the curve on the peer support team.

Jared O'Connor, Commission to Study the Incidence of Post-Traumatic Stress Disorder in First Responders

- Mr. O'Connor explained this bill comes from the Commission to Study the Incidence of Post-Traumatic Stress Disorder in First Responders. He said his role on the commission is as an attorney to offer resources to explain how workers' compensation cases work.

- Mr. O'Connor said the default position in workers' compensation cases is the date of a particular event. He said PTSD is often from a series of small events over a career. Injured workers in PTSD cases finally seek help and are asked to identify when it started. He said the date they indicate as the start date can be years in the past and they do not qualify for workers' compensation.
- Mr. O'Connor said this bill directs PTSD as a disease, meaning that the date on the claim is the date of last exposure. He said the idea is that people will get the treatment they need and receive the coverage they deserve.
- Sen. McGough asked what this bill is likely to do to the number of claims.
 - o Mr. McAllister said they do not believe the number of claims will increase. He said that people that are diagnosed with PTSD are seeking treatment and making claims.
- Sen. McGough said it sounds like that are not many that do not get treatment and not many are denied if this change is made. He asked if this change would create a flood of claims.
 - o Mr. O'Connor said that is the intension. The intention is to clarify existing law and make it easier for people that are already filing a claim. He said that also goes toward ASD. He explained that ASD is an acute reaction in the first six week. He said the goal is to provide treatment before it develops into PTSD.