

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 65.2-107 of the Code of Virginia, relating to workers' compensation.*

3 [H 1313]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 65.2-107 of the Code of Virginia is amended and reenacted as follows:**7 **§ 65.2-107. Post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by law-**  
8 **enforcement officers and firefighters.**

9 A. As used in this section:

10 "Anxiety disorder" means a disorder that meets the diagnostic criteria for one or more of the anxiety  
11 disorders specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
12 published by the American Psychiatric Association.13 "Depressive disorder" means a disorder that meets the diagnostic criteria for one or more of the depressive  
14 disorders specified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders  
15 published by the American Psychiatric Association.16 "Firefighter" means any (i) salaried firefighter, including special forest wardens designated pursuant to  
17 § 10.1-1135, emergency medical services personnel, and local or state fire scene investigator and (ii)  
18 volunteer firefighter and volunteer emergency medical services personnel.19 "In the line of duty" means any action that a law-enforcement officer or firefighter was obligated or  
20 authorized to perform by rule, regulation, written condition of employment service, or law.21 "Law-enforcement officer" means any (i) member of the State Police Officers' Retirement System; (ii)  
22 member of a county, city, or town police department; (iii) sheriff or deputy sheriff; (iv) Department of  
23 Emergency Management hazardous materials officer; (v) city sergeant or deputy city sergeant of the City of  
24 Richmond; (vi) Virginia Marine Police officer; (vii) conservation police officer who is a full-time sworn  
25 member of the enforcement division of the Department of Wildlife Resources; (viii) Capitol Police officer;  
26 (ix) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of  
27 Chapter 1 (§ 4.1-100 et seq.) of Title 4.1; (x) for such period that the Metropolitan Washington Airports  
28 Authority voluntarily subjects itself to the provisions of this chapter as provided in § 65.2-305, officer of the  
29 police force established and maintained by the Metropolitan Washington Airports Authority; (xi) officer of the  
30 police force established and maintained by the Norfolk Airport Authority; (xii) sworn officer of the police  
31 force established and maintained by the Virginia Port Authority; or (xiii) campus police officer appointed  
32 under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1 and employed by any public institution of  
33 higher education.34 "Mental health professional" means a board-certified psychiatrist or a psychologist licensed pursuant to  
35 Title 54.1 who has experience diagnosing and treating post-traumatic stress disorder.36 "Post-traumatic stress disorder" means a disorder that meets the diagnostic criteria for post-traumatic  
37 stress disorder as specified in the most recent edition of the Diagnostic and Statistical Manual of Mental  
38 Disorders published by the American Psychiatric Association.39 "Qualifying event" means an incident or exposure occurring in the line of duty on or after July 1, 2020,  
40 for post-traumatic stress disorder; *an incident or exposure without any accompanying physical injury*  
41 *occurring in the line of duty on or after January 1, 2027, for post-traumatic stress disorder;* and for purposes  
42 of subdivisions 1 through 4 of this definition, on or after July 1, 2023, for anxiety disorder or depressive  
43 disorder:

- 44 1. Resulting in serious bodily injury or death to any person or persons;
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- 45 2. Involving a minor who has been injured, killed, abused, or exploited;
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- 46 3. Involving an immediate threat to life of the claimant or another individual;
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- 47 4. Involving mass casualties; or
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- 48 5. Responding to crime scenes for investigation.

49 B. Post-traumatic stress disorder, anxiety disorder, or depressive disorder incurred by a law-enforcement  
50 officer or firefighter is compensable under this title if:51 1. A mental health professional examines a law-enforcement officer or firefighter and diagnoses the law-  
52 enforcement officer or firefighter as suffering from post-traumatic stress disorder, anxiety disorder, or  
53 depressive disorder as a result of the individual's undergoing a qualifying event;54 2. The post-traumatic stress disorder, anxiety disorder, or depressive disorder resulted from the law-  
55 enforcement officer's or firefighter's acting in the line of duty and, in the case of a firefighter, such firefighter  
56 complied with federal Occupational Safety and Health Act standards adopted pursuant to 29 C.F.R. 1910.134

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57 and 29 C.F.R. 1910.156;

58 3. The law-enforcement officer's or firefighter's undergoing a qualifying event was a substantial factor in  
59 causing his post-traumatic stress disorder, anxiety disorder, or depressive disorder;

60 4. Such qualifying event, and not another event or source of stress, was the primary cause of the post-  
61 traumatic stress disorder, anxiety disorder, or depressive disorder; and

62 5. The post-traumatic stress disorder, anxiety disorder, or depressive disorder did not result from any  
63 disciplinary action, work evaluation, job transfer, layoff, demotion, promotion, termination, retirement, or  
64 similar action of the law-enforcement officer or firefighter.

65 Any such mental health professional shall comply with any workers' compensation guidelines for  
66 approved medical providers, including guidelines on release of past or contemporaneous medical records.

67 C. Notwithstanding any provision of this title, workers' compensation benefits for any law-enforcement  
68 officer or firefighter payable pursuant to this section shall (i) include any combination of medical treatment  
69 prescribed by a board-certified psychiatrist or a licensed psychologist, temporary total incapacity benefits  
70 under § 65.2-500, and temporary partial incapacity benefits under § 65.2-502 and (ii) be provided for a  
71 maximum of 104 weeks from the date of diagnosis. No medical treatment, temporary total incapacity benefits  
72 under § 65.2-500, or temporary partial incapacity benefits under § 65.2-502 shall be awarded beyond four  
73 years from the date of the qualifying event that formed the basis for the claim for benefits under this section.  
74 The weekly benefits received by a law-enforcement officer or a firefighter pursuant to § 65.2-500 or  
75 65.2-502, when combined with other benefits, including contributory and noncontributory retirement  
76 benefits, Social Security benefits, and benefits under a long-term or short-term disability plan, but not  
77 including payments for medical care, shall not exceed the average weekly wage paid to such law-enforcement  
78 officer or firefighter.

79 D. No later than January 1, 2021, each employer of law-enforcement officers or firefighters shall (i) make  
80 peer support available to such law-enforcement officers and firefighters and (ii) refer a law-enforcement  
81 officer or firefighter seeking mental health care services to a mental health professional.

82 E. Each fire basic training program conducted or administered by the Department of Fire Programs or a  
83 municipal fire department in the Commonwealth shall provide, in consultation with the Department of  
84 Behavioral Health and Developmental Services, resilience and self-care technique training for any individual  
85 who begins basic training as a firefighter on or after July 1, 2021.

86 **2. That the provisions of this act shall become effective on January 1, 2027.**