

Workers Compensation for Mental Impairment (HB17-1229)

Signed 6/5/17 | Effective 7/1/18

Workers' Compensation for Mental Impairment will allow a claim for mental impairment benefits in cases with no physical injury even if the source of the trauma is something within the worker's usual experience in certain situations. Continue Reading

Highlights:

1. Expands the definition of "psychologically traumatic event" to include the following:
 - a. Cases where the worker is subject to an attempt to cause serious bodily injury or death through the use of deadly force
 - b. Cases where the worker witnesses the death or immediate aftermath of one or more people due to a violent event
 - c. Cases where the worker repeatedly witnesses the serious bodily injury of one or more people as a result of an intentional act or accident
 - d. Only applies to a diagnosis of Post-Traumatic Stress Disorder ("PTSD")
2. Diagnosis can be made by either a psychiatrist or psychologist
3. Medically these claims can go on for years. There is no limit on potential treatment by psychologists. Because psychologists cannot prescribe medication, two mental health professionals (psychiatrist and psychologist) could treat the same patient, thus increasing claim costs.
4. No treatment protocols exist yet within the Colorado Workers' Compensation system for a diagnosis of PTSD alone.
5. Colorado Revised Statutes §8-41-301(2)(b), however, limits medical impairment benefits to twelve weeks and not more than 50% of the state average weekly wage including temporary disability benefits. But any limitations on benefits shall not apply to any victim of a crime of violence nor to the victim of a physical injury or occupational disease which causes neurological brain damage.
6. While the bill was intended to expand coverage under worker's compensation for first responders (law enforcement, fire and EMTs), the final bill did not limit coverage to first responders.
7. An employer's best practice in handling these cases is to thoroughly investigate every claim, obtain past medical records and make sure selected attending treating physicians utilize referrals to good psychologists that know the Workers' Compensation claims process and are knowledgeable in the treatment of PTSD.
8. The cost of this new coverage to employers is still unknown as there haven't been a significant number of qualifying claims filed to date.

For more information:

Colorado Revised Statutes §8-41-301

[Workers' Compensation for Mental Impairment](#)