

## SENATE AMENDMENTS TO SENATE BILL 507

By COMMITTEE ON RULES

May 13

1 On page 1 of the printed bill, line 3, delete “and” and after “656.802” insert “; and prescribing  
2 an effective date”.

3 On page 3, delete lines 15 through 45 and delete page 4 and insert:

4 “(7)(a) As used in this subsection:

5 “(A) ‘Acute stress disorder’ has the meaning given that term in the DSM-5.

6 “(B) ‘Covered employee’ means an individual who, on the date a claim is filed under this chapter:

7 “(i) Was employed for at least five years by, or experienced a single traumatic event that sat-  
8 isfies the criteria set forth in the DSM-5 as Criterion A for diagnosing post-traumatic stress disorder  
9 while employed by, the state, a political subdivision of the state, a special government body, as de-  
10 fined in ORS 174.117, or a public agency in any of these occupations:

11 “(I) A full-time paid firefighter;

12 “(II) A full-time paid emergency medical services provider;

13 “(III) A full-time paid police officer;

14 “(IV) A full-time paid corrections officer or youth correction officer;

15 “(V) A full-time paid parole and probation officer; or

16 “(VI) A full-time paid emergency dispatcher or 9-1-1 emergency operator; and

17 “(ii) Remains employed in an occupation listed in sub-subparagraph (i) of this subparagraph or  
18 separated from employment in the occupation not more than seven years previously.

19 “(C) ‘DSM-5’ means the fifth edition of the Diagnostic and Statistical Manual of Mental Disor-  
20 ders published by the American Psychiatric Association.

21 “(D) ‘Post-traumatic stress disorder’ has the meaning given that term in the DSM-5.

22 “(E) ‘Psychiatrist’ means a psychiatrist whom the Oregon Medical Board has licensed and cer-  
23 tified as eligible to diagnose the conditions described in this subsection.

24 “(F) ‘Psychologist’ means a licensed psychologist, as defined in ORS 675.010, whom the Oregon  
25 Board of Psychology has certified as eligible to diagnose the conditions described in this subsection.

26 “(b) Notwithstanding subsections (2) and (3) of this section, if a covered employee establishes  
27 through a preponderance of persuasive medical evidence from a psychiatrist or psychologist that the  
28 covered employee has more likely than not satisfied the diagnostic criteria in the DSM-5 for post-  
29 traumatic stress disorder or acute stress disorder, any resulting death, disability or impairment of  
30 health of the covered employee shall be presumed to be compensable as an occupational disease.  
31 An insurer or self-insured employer may rebut the presumption only by establishing through clear  
32 and convincing medical evidence that duties as a covered employee were not of real importance or  
33 great consequence in causing the diagnosed condition.

34 “(c) An insurer’s or self-insured employer’s acceptance of a claim of post-traumatic stress dis-  
35 order or acute stress disorder under this subsection, whether the acceptance was voluntary or was

1 a result of a judgment or order, does not preclude the insurer or the self-insured employer from later  
2 denying the current compensability of the claim if exposure as a covered employee to trauma that  
3 meets the diagnostic criteria set forth as Criterion A in the DSM-5 for post-traumatic stress disorder  
4 or acute stress disorder ceases being of real importance or great consequence in causing the disa-  
5 bility, impairment of health or a need for treatment.

6 “(d) An insurer or self-insured employer may deny a claim under paragraph (c) of this subsection  
7 only on the basis of clear and convincing medical evidence.

8 “(e) Notwithstanding ORS 656.027 (6), a city that provides a disability or retirement system for  
9 firefighters and police officers by ordinance or charter that is not subject to this chapter, when ac-  
10 cepting and processing claims for death, disability or impairment of health from firefighters and  
11 police officers covered by the disability or retirement system, shall apply:

12 “(A) The provisions of this subsection; and

13 “(B) For claims filed under this subsection, the time limitations for filing claims that are set  
14 forth in ORS 656.807 (1) and (2).

15 “**SECTION 2. The amendments to ORS 656.802 by section 1 of this 2019 Act apply only to**  
16 **claims for benefits that are filed on or after the effective date of this 2019 Act.**

17 “**SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019**  
18 **regular session of the Eightieth Legislative Assembly adjourns sine die.”.**

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