

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO
SENATE BILL 507**

1 On page 1 of the printed bill, line 3, delete “and” and after “656.802” in-
2 sert “; and prescribing 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
6 DSM-5.

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

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

14 “(I) A full-time paid firefighter;

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

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

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

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

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

20 and

21 “(ii) Remains employed in an occupation listed in sub-subparagraph (i) of

1 this subparagraph or separated from employment in the occupation not more
2 than seven years previously.

3 “(C) ‘DSM-5’ means the fifth edition of the Diagnostic and Statistical
4 Manual of Mental Disorders published by the American Psychiatric Associ-
5 ation.

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

8 “(E) ‘Psychiatrist’ means a psychiatrist whom the Oregon Medical Board
9 has licensed and certified as eligible to diagnose the conditions described in
10 this subsection.

11 “(F) ‘Psychologist’ means a licensed psychologist, as defined in ORS
12 675.010, whom the Oregon Board of Psychology has certified as eligible to
13 diagnose the conditions described in this subsection.

14 “(b) Notwithstanding subsections (2) and (3) of this section, if a covered
15 employee establishes through a preponderance of persuasive medical evidence
16 from a psychiatrist or psychologist that the covered employee has more
17 likely than not satisfied the diagnostic criteria in the DSM-5 for post-
18 traumatic stress disorder or acute stress disorder, any resulting death, disa-
19 bility or impairment of health of the covered employee shall be presumed to
20 be compensable as an occupational disease. An insurer or self-insured em-
21 ployer may rebut the presumption only by establishing through clear and
22 convincing medical evidence that duties as a covered employee were not of
23 real importance or great consequence in causing the diagnosed condition.

24 “(c) An insurer’s or self-insured employer’s acceptance of a claim of
25 post-traumatic stress disorder or acute stress disorder under this subsection,
26 whether the acceptance was voluntary or was a result of a judgment or or-
27 der, does not preclude the insurer or the self-insured employer from later
28 denying the current compensability of the claim if exposure as a covered
29 employee to trauma that meets the diagnostic criteria set forth as Criterion
30 A in the DSM-5 for post-traumatic stress disorder or acute stress disorder

1 ceases being of real importance or great consequence in causing the disabil-
2 ity, impairment of health or a need for treatment.

3 “(d) An insurer or self-insured employer may deny a claim under para-
4 graph (c) of this subsection only on the basis of clear and convincing medical
5 evidence.

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

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

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

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

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

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