



**ANALYSIS OF IDAHO DRAFT LEGISLATION RELATING TO
MENTAL INJURY BENEFITS FOR FIRST RESPONDERS
As Drafted on September 20, 2018**

The draft legislation, if enacted in its current form, may result in a significant¹ impact on system costs for certain first responder classifications in Idaho. However, the impact on statewide privately insured workers compensation (WC) costs would be expected to be small² since data reported to NCCI shows that such first responder classifications represent approximately 3% of losses³ in Idaho. If enacted, the ultimate cost impact would be realized through future loss experience and reflected in subsequent NCCI rate filings in the state.

Summary of Draft Legislation

The changes proposed by the draft legislation would amend section 72-451 of the Idaho Code. Specifically, the proposal specifies the conditions under which post-traumatic stress disorder (“PTSD”), suffered by a first responder, would be a compensable WC injury as follows:

- diagnosis by a licensed psychologist or psychiatrist,
- a preponderance of evidence that the PTSD was predominantly work-related,
- event causing the PTSD is extraordinary or unusual in comparison to the normal working conditions of the particular employment, and
- the PTSD did not arise from a personnel action.

The PTSD diagnosis would need to meet the criteria contained in the Diagnostic and Statistical Manual of Mental Disorders from the American Psychiatric Association, fifth or a later edition. The proposal defines first responders to include peace officers, firefighters, volunteer emergency responders, emergency medical service providers, ambulance-based clinicians, and emergency communications officers.

First responders with dates of injury on or after July 1, 2019 would be covered under the proposal.

Actuarial Analysis

Currently in Idaho, work-related psychological injuries, disorders or conditions are only compensated under the WC statutes when accompanied by a physical injury. In addition, the accident or injury must be the predominant cause compared to all other causes combined, and

¹ Significant in this context is defined as an impact greater than or equal to 5.0%.

² Small in this context is defined as an impact on overall system costs of less than 1.0%.

³ Source: NCCI Workers Compensation Statistical Plan data for Idaho. This figure of 3% may understate the total population share of Idaho first responders, since the organizations employing them are often self-insured and therefore are not required to report data to NCCI.



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there must be clear and convincing evidence that the psychological injury arose out of and in the course of employment.

Under the proposal, PTSD suffered by first responders would be compensable under the conditions specified. In particular, there would not be a need for an accompanying physical injury.

First responders are more likely to be exposed to highly stressful situations throughout the course of their employment when compared to an average employee across all occupations. The incidence of PTSD and other stress-related conditions is estimated to be significantly higher for first responders compared to the general population. According to the U.S. Department of Veterans Affairs, about 55% of the general population will experience at least one trauma in their lives and, as a result, about 7% to 8% of the population will have PTSD at some point in their lives⁴. In comparison, the National Center for Biotechnical Information (NCBI), part of the National Institutes of Health, concluded that the prevalence of PTSD among emergency medical technicians is greater than 20%⁵, and various sources have reported the prevalence of PTSD among firefighters to be in the range of 7% to 37%⁶.

By changing the compensability standard for first responders, the proposal, if enacted in its current form, may substantially increase the number of compensable first responder WC claims since PTSD, not accompanied by a physical injury, could be deemed a compensable injury.

The classifications potentially impacted by this proposal represent about 3% of privately insured WC losses in Idaho. NCCI is unable to quantify the expected increase in the number of mental injury claims that would be entitled to indemnity and medical benefits if this proposal were enacted. However, **due to the relatively greater exposure to stress-related injuries for first responders, NCCI estimates that WC claims could increase significantly for these occupational classifications if this proposal were enacted. Given the limited share of costs that these classifications comprise, NCCI anticipates the impact of such an enactment on privately insured WC system costs in Idaho to be small.**

⁴ U.S. Department of Veterans Affairs. (No date). How Common is PTSD? Retrieved from https://www.ptsd.va.gov/understand/common/common_adults.asp.

⁵ Donnelly, E., and Siebert, D. (2009, Sep-Oct). Occupational risk factors in the emergency medical services. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/20066645>.

⁶ Tull, Matthew. (2013, January 29). Rates of PTSD in Firefighters. Retrieved from <http://ptsd.about.com/od/prevalence/a/Firefighters.htm>.