

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 HOUSE BILL 3360

By: Smith

6 AS INTRODUCED

7 An Act relating to workers' compensation; amending
8 Section 13, Chapter 208, O.S.L. 2013 (85A O.S. Supp.
9 2019, Section 13), which relates to mental injury or
10 illness; modifying situations in which mental injury
11 or illness is a compensable injury; and providing an
12 effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 13, Chapter 208, O.S.L.
14 2013 (85A O.S. Supp. 2019, Section 13), is amended to read as
15 follows:

16 Section 13. A. 1. A mental injury or illness is not a
17 compensable injury unless caused by a physical injury to the
18 employee, and shall not be considered an injury arising out of and
19 in the course and scope of employment or compensable unless
20 demonstrated by a preponderance of the evidence; provided, however,
21 that this physical injury limitation shall not apply to any victim
22 of a crime of violence or to a correctional officer of the
23 Department of Corrections who is likely to be among the first to
24 arrive at and assist at the scene of a violent incident involving

1 inmates of the Department and who suffers a mental injury or illness
2 related to duties performed responding to the incident.

3 2. No mental injury or illness under this section shall be
4 compensable unless it is also diagnosed by a licensed psychiatrist
5 or psychologist and unless the diagnosis of the condition meets the
6 criteria established in the most current issue of the Diagnostic and
7 Statistical Manual of Mental Disorders.

8 B. 1. Notwithstanding any other provision of this act, where a
9 claim is for mental injury or illness, the employee shall be limited
10 to twenty-six (26) weeks of disability benefits unless it is shown
11 by clear and convincing evidence that benefits should continue for a
12 set period of time, not to exceed a total of fifty-two (52) weeks.

13 2. a. In cases where death results directly from the mental
14 injury or illness within a period of one (1) year,
15 compensation shall be paid the dependents as provided
16 in other death cases under this act.

17 b. Death directly or indirectly related to the mental
18 injury or illness occurring one (1) year or more from
19 the incident resulting in the mental injury or illness
20 shall not be a compensable injury.

21 SECTION 2. This act shall become effective November 1, 2020.

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