

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 58th Legislature (2022)

4   HOUSE BILL 3899

By: Kannady

5  
6                                   AS INTRODUCED

7           An Act relating to Workers' Compensation; amending  
8           Section 13, Chapter 208, O.S.L. 2013 (85A O.S. 2021,  
9           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.

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

14           SECTION 1.        AMENDATORY        85A O.S. 2021, Section 13, is  
15           amended to read as 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 police officer, firefighter,  
23           emergency medical technician, or any other employee of an emergency  
24           service who is likely to be among the first people to arrive at and

1 assist at the scene of an emergency and who suffers a mental injury  
2 or illness related to duties performed responding to the emergency.

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, 2022.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
24 02/08/2022 - DO PASS.