



Our Agents
Our Policyholders
What Matters
most
Our People
Our Communities
Our Future



Post Traumatic Stress Disorder and First Responders

Tami Evans
Director of Workers' Compensation
October 2018

Background

My Background

- Director of Workers' Compensation Claims EMC Insurance Companies
- Handling workers compensation claims for 32 years
- Not a doctor or an attorney today's discussion is from the perspective of a claims handler



What Matters *most*



Why is Workers' Compensation Important?



What Matters *most*

History of EMC

- Employers Mutual Casualty Company was started by a group of Manufacturers in 1911 to provide Workers' Compensation to its members
- Those founding fathers were instrumental in getting the legislation passed in Iowa
- We ultimately opened 16 Branches and 4 service offices
- EMC has maintained its leadership in the Workers' Compensation industry in Iowa and across the country

What Matters *most*



History

Employer: Consumers Ice Company

Employee: George Munday Jr., age “about 20”

Occupation: Helper on wagon

Wages: \$2.00 per day

Date of Injury: July 1, 1914, about 10 a.m.

Cause of Injury: Handling a piece of ice from the wagon when the tongs slipped and block of ice fell on his foot

Injury: Bruised Toe



History of Workers' Compensation

- In the early 1900's first work comp statutes were passed in multiple states
- Grand Bargain
 - Employee gave up right to sue (exclusive remedy)
 - Employer promised no fault quick payment of benefits

Standard for benefits: "Injury" must "arise out of and in the course of employment"

The grand bargain has eroded over the years and unfortunately we see very litigious system in many states

Issues in Workers' Comp

- Did it arise out of the employment
- Was it in the course of the employment
- What is an injury- not all injuries are obvious
- Exclusive remedy
- Who has the burden to prove

Mental Injuries

Are mental injuries an injury that arises out of and in the course of the employment?

Three types of mental injuries:

1. Physical/Mental
2. Mental/Physical
3. Mental/Mental

Mental Injuries

Mental injuries are treated differently under state statutes:

- There is not always an “injury”
- Some states require the employment to be a significant contributing factor (arise out of)
- Can PTSD be considered a mental injury?

Post Traumatic Stress Disorder

- Is PTSD an injury?
- Is PTSD a mental injury?
- What kind of mental injury is PTSD?

History of PTSD

- Early records of cases of PTSD came out of wars- “soldiers heart” “shell shock” “war neurosis”
- Industrial revolution brought new types of traumatic events
- 1952- First appearance in American Psychiatric Association Manual as “Gross stress reaction”
- 1980- PTSD was added to American Psychiatric Associations Diagnostic and Statistical Manual Mental Disorder Classifications

What is Post Traumatic Stress Disorder (PTSD)?

- A mental health condition that is triggered by a shocking, scary, or dangerous event.
- PTSD can be triggered by either experiencing or being a witness.
- Some other experiences, such as sudden, unexpected death of a loved one can also cause PTSD.
- Not every traumatized person develops PTSD.

Symptoms

- Symptoms usually begin within 3 months after the traumatic incident but can begin years afterwards or after a series of traumatic events (cumulative PTSD)
- To be diagnosed, an adult must have the following for at least one month:
 - Flashbacks
 - reliving trauma, bad dreams, racing heart, sweating, etc.
 - One avoidance symptom
 - Staying away from places, events, or objects that are reminders of the traumatic experience
 - Two arousal and reactivity symptoms
 - Being easily started, feeling tense or on edge, difficulty sleeping, angry outburst
 - Two cognition and mood symptoms
 - Trouble remembering key features of the event, negative thoughts about oneself or the world, distorted feeling like guilt or blame, loss of interest in enjoyable activities

Who develops PTSD?

- 55% of general population will experience traumatic event
- 7-8% of people will develop PTSD at some point in their lifetime
- Women are more likely to develop PTSD than men

PTSD and Workers' Compensation

PTSD is classified as a mental condition and therefore falls within the mental-mental or physical-mental injury category.

There are three categories when it comes to mental-mental coverage in each state:

1) Covered

- Stress does not have to be unusual in comparison to ordinary life or employment, prior physical trauma, or sudden shock can be gradual, job related stress, does not have to be unusual

2) Unusual/Sudden

- Unusual for typical person holding claimant's job, considered outside of their employment box. Unexpected (unforeseen), unusual, or extraordinary stress related to the employment. The stress has to be greater than day-to-day, out of the ordinary, emotional strain and tension which all employees must experience.

3) Not Covered

- Must be some physical component to the injury (physical-mental)

PTSD Coverage

Due to further understanding of PTSD, various states have passed legislation allowing for better access to coverage for PTSD

- **Minnesota** (Oct. 1 2013) - Does not cover mental-mental injuries but PTSD is the exception. Coverage of PTSD for all types of employees.
 - Event that led to statute change – Red Lake Indian Reservation high School Shooting (12 teachers diagnosed with PTSD)
- **Florida** (Oct. 1 2018) - PTSD suffered by first responders is an occupational disease compensable by workers' compensation benefits; does not require physical injury and is not subject to certain apportionment or limitations.
 - Event that led to statute change- Pulse Night Club Shooting, Parkland High School Shooting

State-By-State Mental-Mental Coverage

Covered	Unusual/Sudden	Do Not Cover	Legislation Passed PTSD Specific	First Responders Coverage
California Delaware Hawaii Indiana Massachusetts Michigan New Jersey (first responders have different criteria for PTSD coverage) Oregon	Alaska Arizona Colorado Illinois Iowa Louisiana Maine Maryland Mississippi Nebraska (limited to first responders) Nevada New Mexico New York North Carolina Pennsylvania Rhode island South Carolina Utah Vermont Virginia Washington Wisconsin	Alabama Arkansas (exception to victim of a crime or violence) Connecticut Florida Georgia Idaho Kansas Kentucky Minnesota Montana New Hampshire North Dakota Ohio (exception to PTSD that arose from forced or threatened physical harm to engage in sexual conduct) Oklahoma South Dakota Tennessee Texas West Virginia Wyoming	Colorado South Carolina Texas Florida Minnesota	Nebraska (must be unusual/sudden) Florida South Carolina Washington Utah

PTSD and First Responders

- Emergency Medical Responders are 20% more likely to develop PTSD than the general population.
- 7-37% of Firefighters will develop PTSD.
- In 2017 – police officers and firefighters were more likely to die by suicide than in the line of duty.
- On average over the last 12 years Utah has lost one firefighter every 18 months to suicide.
- PTSD increased the risk of heart attack and stroke around 2 and a half times higher in both men and women compared to those without the disorder.

Coverage of mental-mental claims under Utah's Worker's Compensation Statute

Section 34A-2-402 of the Utah Workers' Compensation Act covers physical, mental, or emotional injuries related to mental stress when there is a sufficient legal and medical casual connection between employee's injury and employment.

- Legal and medical causation requires proof of:
 - Extraordinary mental stress from a sudden stimulus arising predominantly and directly from employment
 - The extraordinary and sudden nature of the alleged mental stress is judged according to an objective standard in comparison with contemporary national employment and nonemployment life
- It is not good faith employer personnel actions such as disciplinary actions, work evaluations, job transfers, layoffs, demotions, promotions, terminations, or retirements along with alleged discrimination, harassment, or unfair labor practices.

First Responders PTSD Coverage Changes made in 2017 (House Bill 209)

Extension of workers' compensation coverage for first responders for mental injuries occurring after February 2018. The legal and medical causal connection is satisfied if an individual is:

- 1) A first responder: firefighters, law enforcement, emergency medical technicians, paramedics, 911 dispatchers, and correctional officers and
- 2) After the individual becomes a first responder that individual is diagnosed with a mental health condition by a licensed physician or other licensed health care professional.

Impact

What will the impact of be?

- Additional claims
- Change in culture- positive or negative
- Claim costs

What Matters *most*

Average Costs of PTSD Claims



Average Duration – 29 days
Best Practices – 27 days

Scenario	Activity Level	Duration in Days-
No comorbidity	Regular	7-14 Days
Physical injury comorbidity	Regular	14-28 Days
Chemical dependence comorbidity	Regular	28-56 Days

What Matters *most*

How Should We Handle these Claims

Employer:

- Report all claims immediately
- Don't try and diagnose
- Don't try and make a determination on compensability
- Treat the injured employee with respect

Claims Professional:

- Do a full investigation as quickly as possible
- Assist them with getting appropriate medical care
- Treat the injured employee with respect
- Get appropriate medical opinions as necessary
- Request a legal opinion if necessary

How to Mitigate PTSD Claims

- WC Medical Triage

- Injured employee talks directly to a nurse
- Directs care as appropriate
- Supports prompt reporting
- Since implementing 80% of our claims are reported within 24 hours compared to our traditional reporting which averages about 13 days
- We have also seen a reduction of time off work of about 7 days

For PTSD claims a nurse triage would assist in getting appropriate care early
Trained professional that can respond based on information they receive

How to Mitigate PTSD Claims

Workers' Comp Advocacy Model:

What is it?

Empowering the injured workers to be part of the process and treating them with respect

- Can reduce attorney involvement
- Improve medical outcomes
- Speed return to work
- Change of attitude:
 - Injured workers not "claimants"
 - Claim specialist or Claim representatives instead of "adjuster"
 - Connecting them with proper medical care should be the first priority
 - Ongoing interest in how they are doing
 - Send them a get well card
 - **Empathy**

What Matters *most*



What Can We Do?

Be Proactive:

Prevention and early identification is key

- Cultivate a culture where employees feel free to seek help
- Help employees know when they may be at risk
- Be aware of your employees and what is going on in their lives
- Provide support services when necessary

Resources

- <https://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/symptoms-causes/syc-20355967>
- <https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorder-ptsd/index.shtml>
- <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>
- <http://wisconsinlawreview.org/wp-content/uploads/2015/05/Bailey-Final.pdf>
- <https://le.utah.gov/~2018/bills/static/HB0209.html>
- http://rudermanfoundation.org/white_papers/police-officers-and-firefighters-are-more-likely-to-die-by-suicide-than-in-line-of-duty/
- <https://www.cji.edu/site/assets/files/1921/cumulative-ptsd-among-first-responders.pdf>
- <https://socialwork.utah.edu/interaction/the-firefighters-mind-shield/>
- <https://www.odgbymcg.com/costs>
- <https://www.propertycasualty360.com/2018/06/25/post-traumatic-stress-disorder-in-workers-compensa/>
- <https://www.tctmd.com/news/ptsd-doubled-risks-mi-stroke-first-responders-world-trade-center-attacks>
- <https://www.good4utah.com/news/local-news/departments-combat-high-rate-of-first-responder-suicides/1403513916>
- Utah Code Ann. § 34A-2-402 (West).
- 2018 Utah House Bill No. 209, Utah Sixty-Second Legislature - 2018 General Session.

count on
EMC[®]
INSURANCE

**Trusted Choice**[®]
INDEPENDENT INSURANCE AGENTS