



February 23, 2015

The Honorable Keith Faber
President, Ohio Senate
Ohio Statehouse
Columbus, Ohio 43215

The Honorable Gayle Manning
Chair, Senate Transportation, Commerce and Labor Committee
Ohio Statehouse
Columbus, Ohio 43215

Dear President Faber and Chairperson Manning:

The above organizations, on behalf of our members, write in opposition to Senate Bill 5. SB 5 proposes to eliminate the physical injury requirement and allow peace officers, firefighters, and emergency medical workers to become eligible for workers' compensation benefits once they have been diagnosed with work-related post-traumatic stress disorder (PTSD).

This initiative is a drastic departure from the current and past state of the law that requires a mental condition, such as PTSD, to arise from, or at the very least be associated with some physical harm experienced by a worker. Additionally, we are concerned about the message selecting only a narrow subset of workers sends to Ohio's workforce as a whole. We recognize that peace officers, firefighters, and emergency medical workers experience traumatic events. However, they are not alone in their willingness to undertake dangerous and essential jobs for the good of us all. If we erode the physical injury requirement for peace officers, firefighters, and emergency medical workers, it may be difficult to justify not doing the same for other professionals who seek equal treatment.

Once a fundamental parameter of the workers' compensation system like the physical injury requirement is compromised, the potential inroads into the program are endless. The result will be increased workers' compensation costs for public and private employers alike. The implications of those cost increases will be felt across the board and will impact Ohio's business climate. The increased costs may also affect our public employers' abilities to provide essential public safety functions.

We have heard opinions that incidences of workers' compensation claims for PTSD, if allowed, will be low. However, we have also heard that PTSD among peace officers and firefighters is underreported and may be prevalent. If either is true, perhaps making an inroad into the workers' compensation system is not the best avenue to address the PTSD issues affecting our first responders. Private health insurance or public health options may be better to deal with PTSD in a broader way. In any event, Ohio's workers' compensation system is not intended to be a substitute means of treatment for mental conditions in order to avoid out-of-pocket expenses.

We are also concerned about singling out PTSD. Selecting one mental condition to the exclusion of all others—much like selecting only a few occupations—will undoubtedly provoke fairness arguments and equal protection challenges in future legislative or judicial actions.

For these reasons, the above organizations oppose the changes to Ohio workers' compensation system proposed in SB 5. Thank you for your consideration of our concerns.

cc: Senate Transportation, Commerce and Labor Committee