

SENATE FILE NO. SF0090

Workers' compensation-mental injury.

Sponsored by: Senator(s) Hastert, Aullman, Decaria and Ross and Representative(s) Craft, Hammons and Lubnau

A BILL

for

1 AN ACT relating to workers' compensation; amending the
2 definition of injury to authorize coverage of a mental
3 injury as specified; and providing for an effective date.

4

5 *Be It Enacted by the Legislature of the State of Wyoming:*

6

7 **Section 1.** W.S. 27-14-102(a)(xi)(J) is amended as
8 follows:

9

10 **27-14-102. Definitions.**

11

12 (a) As used in this act:

13

14 (xi) "Injury" means any harmful change in the
15 human organism other than normal aging and includes damage
16 to or loss of any artificial replacement and death, arising

1 out of and in the course of employment while at work in or
2 about the premises occupied, used or controlled by the
3 employer and incurred while at work in places where the
4 employer's business requires an employee's presence and
5 which subjects the employee to extrahazardous duties
6 incident to the business. "Injury" does not include:

7
8 (J) Any mental injury unless it is caused
9 by a ~~compensable physical injury, it occurs subsequent to~~
10 ~~or simultaneously with, the physical injury and it is~~
11 ~~established by clear and convincing evidence, which shall~~
12 ~~include a diagnosis by a licensed psychiatrist or licensed~~
13 ~~clinical psychologist meeting criteria established in the~~
14 ~~most recent edition of the diagnostic and statistical~~
15 ~~manual of mental disorders published by the American~~
16 ~~Psychiatric Association. In no event shall benefits for a~~
17 ~~compensable mental injury be paid for more than six (6)~~
18 ~~months after an injured employee's physical injury has~~
19 ~~healed to the point that it is not reasonably expected to~~
20 substantially improve a situation or condition arising out
21 of or in the course of employment that is of greater
22 magnitude than the day-to-day stresses and tensions all
23 employees usually experience. A mental injury is not
24 covered if it is the result of disciplinary action, work

1 evaluation, job transfer, layoff, demotion, termination or
2 any similar action taken in good faith by the employer.

3

4 **Section 2.** This act is effective July 1, 2008.

5

6

(END)