

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Mental injury-workers' compensation.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

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.

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

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

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

11

12 (a) As used in this act:

13

1 (xi) "Injury" means any harmful change in the
2 human organism other than normal aging and includes damage
3 to or loss of any artificial replacement and death, arising
4 out of and in the course of employment while at work in or
5 about the premises occupied, used or controlled by the
6 employer and incurred while at work in places where the
7 employer's business requires an employee's presence and
8 which subjects the employee to extrahazardous duties
9 incident to the business. "Injury" does not include:

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

1 of or in the course of employment that is of greater
2 magnitude than the day-to-day stresses and tensions all
3 employees usually experience. A mental injury is not
4 covered if it is the result of disciplinary action, work
5 evaluation, job transfer, layoff, demotion, termination or
6 any similar action taken in good faith by the employer.

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8 **Section 2** This act is effective July 1, 2009

9

10 (END)