



February 12, 2020

Representative Tom Brinkman  
Chair, Ohio House Insurance Committee  
77 South High Street, 11th Floor  
Columbus, OH 43215

Dear Chairman Brinkman:

I am writing on behalf of the nearly 22,000 governing members of NFIB in Ohio to express our opposition to House Bill 308, which would erode the physical requirement for mental injuries in Ohio's workers' compensation system. Thank you for the opportunity to provide written comments.

Language included in the bill makes first responders diagnosed with post-traumatic stress disorder arising from employment, without an accompanying physical injury, eligible for compensation and lost time benefits under Ohio's workers' compensation laws. This initiative is a significant departure from over 100 years of Ohio law requiring proof that a mental condition, such as depression or anxiety, arose from a physical injury suffered by the claimant before it can be considered compensable. Furthermore, a recent survey of small business owners in Ohio indicates that nearly 90% are opposed to setting a new precedent which will allow workers' compensation claims without a physical injury.

Under current law, a person cannot seek workers' compensation benefits for mental or emotional problems they believe are associated with their job. This proposed change could alter the scope and purpose of our workers' compensation system. NFIB sincerely appreciates the very unique challenges faced by first responders every day. We have been working diligently to find a unique solution that cares for these individuals outside of the Ohio Bureau of Workers' Compensation (BWC) system. It is our hope a solution can be found to ensure first responders can get the assistance they deserve, while at the same time preserving the BWC system from a costly unintended expansion of coverage.

Additionally, selecting a narrow subset of Ohio's workforce for these benefits raises the risk of violating the constitutional requirement of equal protection provided to all employees. We feel it would be impossible to explain why only a favored or protected class of workers deserves a more generous benefit than another person with an identical emotional or mental condition. Eliminating the requirement of a physical injury for a select group of employees clearly opens the door for the eventual allowance of any mental condition so long as it is tied to work in all areas of employment.

Thank you for the opportunity to provide comments on House Bill 308. NFIB may consider the vote on House Bill 308 a Key Small Business Vote of the 133rd General Assembly.

Sincerely,



Chris Ferruso  
NFIB  
Ohio Legislative Director



Jared Weiser  
NFIB  
Ohio Member Benefits Manager