



*BEFORE THE SENATE GENERAL GOVERNMENT & AGENCY REVIEW  
COMMITTEE  
OPPONENT TESTIMONY ON HOUSE BILL 308*

Chairman Schuring, Vice Chair Rulli, Ranking Member O'Brien, and members of the Senate General Government & Agency Review Committee, thank you again for the opportunity to provide testimony on House Bill 308 (HB 308). My name is Kevin Shimp and I am the Director of Labor and Legal Affairs for the Ohio Chamber of Commerce.

When I testified in opposition to HB 308 in front of this committee on June 3, 2020, I shared how HB 308 represents a departure from over one hundred years of precedent, and how allowing workers' compensation coverage for a specific mental condition for a certain class of employees may lead to unintended consequences like a workers' compensation system that covers all mental conditions for all classes of employees.

The committee also heard how HB 308 lacks any guardrails to assure employer dollars are only used to cover the cost of mental conditions arising from work, and it heard about the bill's price tag – a conservative actuarial analysis from the BWC predicts the legislation costing \$70 million a year.

Yet, despite the drawbacks of HB 308, the legislation's aim of providing peace officers, firefighters, and emergency medical workers with more options to treat Post Traumatic Stress Disorder (PTSD) is commendable. That is why the Ohio Chamber along with other trade associations began working with lawmakers to create a new employer funded system outside of Ohio's workers' compensation statutes that provides first responders diagnosed with PTSD a medical and time off benefit equivalent to the state's workers' compensation benefit.

This effort culminated in the introduction of House Bill 556. Under the bill, a peace officer, firefighter, or emergency medical worker who is diagnosed with PTSD by a psychiatrist will be eligible for employer paid medical treatments and paid time off from work. These benefits will be paid by employers of first responders through a fund housed at the Ohio Department of Public Safety (ODPS). Likewise, the fund will be replenished through the payment of premiums by those who employ peace officers, firefighters, and emergency medical workers.

The State Post Traumatic Stress Disorder Coverage Fund and its administration by the Ohio Department of Public Safety is designed to mirror Ohio's workers' compensation system, so under HB 556 eligible first responders would be entitled to 66 2/3 percent of their weekly wage as a time off benefit and they would receive necessary medical treatment with no out of pocket cost to them. Likewise, in exchange for the statutory benefit, employers of first responders are no longer liable for damages under common law theories like negligence.

In addition, HB 556 will have less of a fiscal impact on Ohio employers than HB 308. The BWC actuarial analyses show the coverage provided by HB 556 is projected to cost \$44 million per year while it estimates the coverage under HB 308 will cost \$70 million per year. The difference in cost between the two pieces of legislation highlights how HB 308 lacks any guardrails to contain the expense of the coverage because unlike prior versions of this bill there is no cap limiting the time coverage is available.

The Ohio Chamber believes the approach as laid out in HB 556 alleviates our concerns over HB 308 since the alternative approach does not amend any statutes within Ohio's workers' compensation laws. Likewise, housing and administering the State Post Traumatic Stress Disorder Coverage Fund at ODPS lowers the chance an equal protection lawsuit results in Ohio's workers' compensation system covering purely mental claims.

In closing, the Ohio Chamber opposes HB 308 as currently before the committee today since it ignores the fundamental eligibility requirement for workers' compensation coverage and exposes the system to future litigation or legislation further expanding coverage for mental only claims. We also urge the committee to consider HB 556 because the bill provides first responders with more treatment options for PTSD while preserving the physical injury requirement for workers' compensation coverage.

Thank you for the opportunity to provide testimony today and I will be happy to answer any questions the committee may have or discuss HB 556 in more detail.