

**As Reconsidered and Passed by the Senate**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Am. Sub. H. B. No. 308**

**Representative Patton**

**Cosponsors: Representatives Boggs, DeVitis, LaRe, Sweeney, Abrams, Baldrige, Blair, Boyd, Brent, Brown, Butler, Callender, Carfagna, Carruthers, Cera, Clites, Crawley, Cross, Crossman, Denson, Edwards, Galonski, Ghanbari, Greenspan, Grendell, Hicks-Hudson, Hillyer, Howse, Ingram, Jones, Kelly, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., Miller, J., Miranda, O'Brien, Oelslager, Patterson, Perales, Plummer, Richardson, Robinson, Rogers, Russo, Sheehy, Skindell, Smith, K., Sobeki, Stein, Stephens, Strahorn, Swearingen, Sykes, Upchurch, Weinstein, West**

**Senators Schuring, Hoagland, Antonio, Blessing, Brenner, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hottinger, Huffman, S., Johnson, Kunze, Maharath, Manning, O'Brien, Peterson, Rulli, Schaffer, Wilson, Yuko**

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**A BILL**

To enact section 126.65 of the Revised Code to 1  
establish a fund to provide compensation and 2  
benefits to first responders with post-traumatic 3  
stress disorder and to study the financial and 4  
administrative requirements for that fund. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 126.65 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 126.65.** (A) The state post-traumatic stress fund is 8  
created in the state treasury. The director of budget and 9  
management shall be the trustee of the fund. 10

(B) The state post-traumatic stress fund shall be used for 11  
the following purposes: 12

(1) Payment of compensation for lost wages that result 13  
from a public safety officer being disabled by post-traumatic 14  
stress disorder received in the course of, and arising out of, 15  
employment as a public safety officer but without an 16  
accompanying physical injury; 17

(2) Payment of medical, nurse, therapy, and hospital 18  
services and medicines required to treat a public safety officer 19  
diagnosed with post-traumatic stress disorder received in the 20  
course of, and arising out of, employment as a public safety 21  
officer but without an accompanying physical injury; 22

(3) Payment of administrative costs incurred in providing 23  
the compensation and benefits described in divisions (B)(1) and 24  
(2) of this section. 25

(C) No employer shall discharge, demote, reassign, or take 26  
any punitive action against any public safety officer because 27  
the officer filed a claim or instituted, pursued, or testified 28  
in any proceedings related to compensation or benefits paid from 29  
the state post traumatic stress fund as a result of a diagnosis 30  
of post-traumatic stress disorder received in the course of, and 31  
arising out of, employment as a public safety officer but 32  
without an accompanying physical injury. Any such officer may 33  
file an action in the common pleas court of the county of the 34  
officer's employment in which the relief which may be granted 35  
shall be limited to reasonable attorney fees and reinstatement 36  
with back pay, if the action is based on discharge, or an award 37  
for wages lost if based upon demotion, reassignment, or punitive 38  
action taken, offset by earnings subsequent to discharge, 39  
demotion, reassignment, or punitive action taken. The action 40

shall be forever barred unless filed within one hundred eighty 41  
days immediately following the discharge, demotion, 42  
reassignment, or punitive action taken, and no action may be 43  
instituted or maintained unless the employer has received 44  
written notice of a claimed violation of this section within the 45  
ninety days immediately following the discharge, demotion, 46  
reassignment, or punitive action taken. 47

(D) There shall be no payments made from the state post- 48  
traumatic stress fund pursuant to division (B) of this section 49  
and no person is eligible for any claims and no liability shall 50  
accrue to any state party under this section. 51

**Section 2.** (A) The Board of Trustees of the Ohio Police 52  
and Fire Pension Fund, in consultation with the entities listed 53  
in division (B) of this section, shall have prepared by a 54  
disinterested third-party actuary an actuarial valuation of the 55  
funding requirements of the state post-traumatic stress fund 56  
established by section 126.65 of the Revised Code, as enacted by 57  
Section 1 of this act. The actuary shall complete the valuation 58  
in accordance with actuarial standards of practice promulgated 59  
by the actuarial standards board of the American academy of 60  
actuaries. The Board shall be reimbursed by the Office of Budget 61  
and Management for up to five hundred thousand dollars for the 62  
expenses incurred in preparing the study. The actuary shall 63  
prepare a report of the actuarial analysis, which shall include 64  
only the following: 65

(1) A description of lost wage compensation and medical 66  
benefit amounts evaluated; 67

(2) A description of the participant group or groups 68  
included in the report; 69

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| (3) A projection of the number of participants eligible for compensation and benefits from the fund;   | 70<br>71             |
| (4) A projection of the potential claims per year;   | 72                   |
| (5) A projection of the average benefit amount based on weekly wage;   | 73<br>74             |
| (6) A projection of the cost of health care and pharmacy benefits;   | 75<br>76             |
| (7) A cost comparison showing the projected administrative costs differentials based on the Board of Trustees of the Ohio Police and Fire Pension Fund creating a program versus contracting with other private and public entities; | 77<br>78<br>79<br>80 |
| (8) A cost comparison as to which, if any, state retirement system or other administrator is best suited to administer the state post-traumatic stress fund;   | 81<br>82<br>83       |
| (9) A review of how other states administer funds that are similar to the state post-traumatic stress fund;  | 84<br>85             |
| (10) An analysis of whether an administrative appeals process is necessary or useful to the resolution of claims for compensation, benefits, or both from the state post-traumatic stress fund;                                      | 86<br>87<br>88<br>89 |
| (11) If it is determined that an administrative appeals process is necessary or useful to the resolution of claims, an analysis of which entity is best suited to administer the process;  | 90<br>91<br>92<br>93 |
| (12) An analysis of any other issue identified by the entities listed in division (B) of this section.   | 94<br>95             |
| (B) With respect to the study and report required under  | 96                   |

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| division (A) of this section, the Board shall consult with all   | 97  |
| of the following entities:                                       | 98  |
| (1) The Ohio Chamber of Commerce;                                | 99  |
| (2) The National Federation of Independent Business;             | 100 |
| (3) The Ohio Manufacturers' Association;                         | 101 |
| (4) The County Commissioners Association of Ohio;                | 102 |
| (5) The Ohio Township Association;                               | 103 |
| (6) The Ohio Municipal League;                                   | 104 |
| (7) The Fraternal Order of Police of Ohio;                       | 105 |
| (8) The Ohio Association of Professional Firefighters;           | 106 |
| (9) The Public Employees Retirement Board;                       | 107 |
| (10) The State Teachers Retirement Board;                        | 108 |
| (11) The School Employees Retirement Board;                      | 109 |
| (12) The State Highway Patrol Retirement Board.                  | 110 |
| (C) The study and report required under division (A) of          | 111 |
| this section shall be completed not later than October 1, 2021.  | 112 |
| Copies of the report shall be transmitted to the Board of        | 113 |
| Trustees of the Ohio Police and Fire Pension Fund, the Director  | 114 |
| of Budget and Management, the Speaker and Minority Leader of the | 115 |
| House of Representatives, and the President and Minority Leader  | 116 |
| of the Senate immediately on its availability.                   | 117 |