

First Responder FAQs for PTSD

1. Who is covered under the new Posttraumatic Stress Disorder (PTSD) provisions under workers' compensation?

Only first responders are eligible for benefits for PTSD.

Reference [Section 112.1815\(5\)\(a\), Florida Statutes](#)

2. Who is a first responder?

A first responder means a law enforcement officer or a firefighter or an emergency medical technician or paramedic employed by the state or a local government. A volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government.

Referenced: [Section 112.1815\(1\), Florida Statutes](#)

“Law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

Referenced: [Section 943.10\(1\), Florida Statutes](#)

“Firefighter” means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the division under s. [633.408](#).

Referenced: [Section 633.102\(9\), Florida Statutes](#)

“Emergency medical technician” means a person who is certified by the Florida Department of Health to perform basic life support.

Referenced: [Section 401.23\(11\), Florida Statutes](#)

“Paramedic” means a person who is certified by the Florida Department of Health to perform basic and advanced life support.

Referenced: [Section 401.23\(17\), Florida Statutes](#)

3. What is an occupational disease?

The term “occupational disease” means only a disease that arises out of employment as a first responder and is due to causes and conditions that are characteristic of and peculiar to a particular trade, occupation, process, or employment and excludes all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public.

Referenced: [Section 112.1815\(4\), Florida Statutes](#)

The term “occupational disease” shall be construed to mean only a disease which is due to causes and conditions which are characteristic of and peculiar to a particular trade, occupation,

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process, or employment, and to exclude all ordinary diseases of life to which the general public is exposed, unless the incidence of the disease is substantially higher in the particular trade, occupation, process, or employment than for the general public. "Occupational disease" means only a disease for which there are epidemiological studies showing that exposure to the specific substance involved, at the levels to which the employee was exposed, may cause the precise disease sustained by the employee.

Reference: [Section 440.151\(2\), Florida Statutes](#)

4. What is PTSD?

Posttraumatic Stress Disorder is described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association.

Referenced: [Section 112.1815\(5\)\(a\), Florida Statutes](#)

5. Is a volunteer first responder eligible for PTSD benefits?

Yes, a volunteer law enforcement officer, firefighter, or emergency medical technician or paramedic engaged by the state or a local government is also considered a first responder of the state or local government.

Referenced: [Section 112.1815\(1\), Florida Statutes](#)

6. How does a first responder qualify for PTSD benefits?

- The posttraumatic stress disorder must result from the first responder acting within the course of his or her employment, and
- The first responder is examined and subsequently diagnosed with such disorder, due to one of the qualifying events listed in the law, by a licensed psychiatrist who is an authorized treating physician as provided in chapter 440.

Referenced: [Section 112.1815\(5\)\(a\)1.-2., Florida Statutes](#)

7. What are the qualifying events?

- Seeing for oneself a deceased minor;
- Directly witnessing the death of a minor;
- Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;
- Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;
- Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
- Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;
- Directly witnessing a death, including suicide, that involved grievous bodily harm of a nature that shocks the conscience;

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- Directly witnessing a homicide regardless of whether the homicide was criminal or excusable, including murder, mass killing as defined in 28 U.S.C. s. 530C, manslaughter, self-defense, misadventure, and negligence;
- Directly witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;
- Participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or
- Manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.

Referenced: [Section 112.1815\(5\)\(a\)2.a.- k., Florida Statutes](#)

8. Who is a minor?

The word “minor” includes any person who has not attained the age of 18 years.

Referenced: [Section 1.01\(13\), Florida Statutes](#)

9. What does “directly witnessing” mean?

“Directly witnessing” means to see or hear for oneself.

Referenced: [Section 112.1815\(5\)\(e\)1., Florida Statutes](#)

10. What does “manual transporting” mean?

“Manually transporting” means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.

Referenced: [Section 112.1815\(5\)\(e\)2., Florida Statutes](#)

11. How do I file a claim for PTSD?

To file a PTSD claim you must notify your employer or the carrier.

Referenced: [Section 112.1815\(5\)\(d\)., Florida Statutes](#) and [Section 440.151\(6\), Florida Statutes](#)

12. How long after a qualifying event do I have to file a claim (report it to my employer)?

A claim must be noticed to the employer within 52 weeks of the qualifying event.

Referenced: [Section 112.1815\(5\)\(d\)., Florida Statutes](#) and [Section 440.151\(6\), Florida Statutes](#)

13. Which physicians can diagnose PTSD?

Only a licensed psychiatrist authorized by your employer or the insurance company can diagnose PTSD due to one of the qualifying events.

Referenced: [Section 112.1815\(5\)\(a\)2., Florida Statutes](#)

14. Can my personal counselor, psychologist or psychiatrist diagnose my condition?

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Only a licensed psychiatrist authorized by your employer or the insurance company can diagnose PTSD for the purposes of determining compensability of a workers' compensation claim.

Referenced: [Section 112.1815\(5\)\(a\)2., Florida Statutes](#)

15. What benefits are due if I am diagnosed with PTSD under the First Responder provisions?

The first responder with a compensable claim for PTSD is entitled to medical benefits and indemnity benefits. Medical treatment recommended by the treating psychiatrist and approved by the carrier are covered medical benefits. Indemnity benefits are covered at different levels and lengths of time dependent upon the first responders' disability and the employer's ability to accommodate work restrictions.

Referenced: [Sections 440.13 and 440.15, Florida Statutes](#)

16. Who can I contact for issues with my claim?

You may contact the Employee Assistance Office (EAO) within the Division of Workers' Compensation. Although the EAO does not provide legal advice, our specialists will answer questions about your rights and responsibilities and may be able to resolve problems you are having with your workers' compensation claim. This help is free and available by contacting the EAO at 1-800-342-1741.

17. What is the appeals process if my PTSD claim is denied?

If the insurance carrier does not provide benefits to which you believe you are entitled, or has denied your claim, a Petition for Benefits form must be filed with the Office of Judges of Compensation Claims. The form can be accessed at www.jcc.state.fl.us/jcc/forms.

18. Can my claim be apportioned due to pre-existing PTSD?

Benefits due to a first responder are not subject to apportionment.

Referenced: [Section 112.1815\(5\)\(c\)2.a., Florida Statutes](#)

19. What type of training will be provided to first responders by their employing agency? What are the mental health awareness training requirements outlined in section 112.1815(6), Florida Statutes?

An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment. Details of the training are the responsibility of the employing agency.

Referenced: [Section 112.1815\(6\), Florida Statutes](#)

***NOTE: A framework to assist employing agencies in meeting the educational training requirement can be found [here](#).

20. What is the status of the rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience?

The Department of Financial Services shall adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience in accordance with section 112.1815(5), F.S. This task has been assigned to the Division of Workers' Compensation. We anticipate the rule to be adopted by December 2018. Due to the cost impact of the rule, it cannot go into

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effect until ratified by the Legislature. The Department will present the adopted rule to the 2019 Legislature for ratification.

All rulemaking activities are formally announced in the Florida Administrative Register. Anyone interested in receiving notifications about Division activities, including rule workshops and hearings can register for Division E-Alerts by going to the Division of Workers' Compensation's home page (<https://www.myfloridacfo.com/Division/wc/>). From the home page, scroll down to the red icon to register for Division E-alerts. Click on the registration button, provide us with your email address, and we will put you on our distribution list to receive notifications about Division activities, including rule workshops and hearings.

Referenced: [Section 112.1815\(5\)\(f\), Florida Statutes](#)

21. What is the effective date of the law?

October 1, 2018